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ADMINISTRATIVE PROBLEMS OF THE CONFEDERATE POST OFFICE DEPARTMENT

I

L. R. GARRISON

I. ORGANIZATION AND RELATED PROBLEMS

When John H. Reagan, delegate from Texas to the Provisional Congress of the Confederate States, on March 6, 1861, accepted his appointment as postmaster-general in Jefferson Davis's cabinet, he was first confronted with the task of providing, in its entirety, a central office force for the general administration of the great postal system which had not yet been taken over from the United States government. The energetic Texan lost no time. On the way home from his meeting with the President, Reagan met H. P. Brewster, a lawyer of South Carolina, whom he immediately engaged to go to Washington on business concerning the organization of the post office department. That same day Brewster was sent to Washington with letters to various important persons, among whom were St. George Offutt, chief clerk in the office of the sixth auditor; Benjamin Clements, chief clerk to the postmaster-general; Joseph Lewis, head of the bond division in the post office department; Captain Schwartzman, head of the dead letter office; Mr. McNair, of the finance bureau; and Mr. Hobby, the third assistant postmaster-general. These men Reagan asked to accept positions in the Post Office Department of the Confederate States, and to bring South with them "copies of

the last annual report of the Postmaster-General and every form of the Department, together with postal maps of the Southern States."[1]

After his appointment on March 6, 1861, Reagan had to procure offices and furniture for the use of the department.[2] The first office was a room in the Exchange Hotel in Montgomery, and for some time the office staff was composed of two assistants.[3] Practically all the men from Washington came as requested, bringing with them the information necessary for the organization of the postal service in the Confederacy, including a postal map of Texas, the only Southern state for which a map of this kind could be procured.

The new men were assigned positions, and other necessary appointments were made. A school for the information of the officers and clerks of the department was then organized, holding sessions from eight to ten o'clock in the evenings. As soon as the books were at hand, the appointment books were made up,

containing the names of the postmasters . . . [in the Confederacy], with the amount of receipts of their several offices, and showing whether they were draft or collection offices, and also showing the names and addresses of the route and special agents of the Department and the amount of compensation.[4]

Complete organizations for the contract and finance bureaus were also prepared in proper detail.

In addition to the office of chief clerk, there were, as subdivisions of the post office department, five distinct offices or bureaus, headed by as able men as the postmaster-general could procure "from the most experienced men of Southern birth who had resigned office at Washington because of the accession of Lincoln."[5] The duties of these men corresponded to those of the assistant-postmasters-general at Washington; but their offices were desig-

[1]Reagan, *Memoirs*, 124-125; Reagan to John R. McPherson, March 7, 1861, Reagan to H. P. Brewster, March 9, 1861, copies in *Letter Book of the Postmaster General of the Confederate States*, No. I, p. 50.

[2]*Report of the Postmaster General of the Confederate States*, April 29, 1861, p. 1.

[3]Semi-Weekly *Richmond Enquirer*, Dec. 24, 1861.

[4]Reagan, *Memoirs*, 125.

[5]Semi-Weekly *Richmond Enquirer*, Dec. 24, 1861.

nated as the contract, appointment, inspection, and auditor's offices, and the finance bureau, in which were included the dead letter division and the division for the postage stamps and stamped envelopes.[6] Of the progress of organization by the time Congress met again in May, Reagan says:

> . . . I was able to state that the Post Office Department was as completely organized as that at Washington, with two proposed improvements, and that I was ready to inaugurate the postal service of the Confederacy.[7]

During the first months of the Confederacy's existence the postal system of the United States had remained intact in the seceded states and had continued its operations without hindrance on the part of the state or the Confederate authorities. For the new government to have interfered before it was ready to set up a fairly complete system of its own would have resulted only in grave inconvenience to both people and government without any compensating benefit. On May 13, 1861, Reagan issued his proclamation setting June 1 as the date on which the Confederate post office department would assume control of the postal service. He directed all postmasters, route agents, and special agents within the Confederacy "to continue in the discharge of their respective duties," under his direction "in strict conformity with such existing laws and regulations" as were not "inconsistent with the laws and constitution of the Confederate States of America" and such further instructions as might thereafter be issued by his direction. All the employees were directed to forward their names and position to the appointment bureau for new commissions. The postmasters were ordered to render to the department at Washington their final accounts and vouchers for postal receipts and expenditures up to May 31, together with all postage stamps and stamped envelopes belonging to the United States post office department. They were also required to retain subject to the order of the postmaster-general of the United States for payment of mail service in the Confederacy, all revenues accruing up to the first of June. The contractors were required to

[6] *Report*, April 29, 1861; Semi-Weekly *Richmond Enquirer*, Dec. 24, 1861.
[7] Reagan, *Memoirs*, 125-127; *Report*, April 29, 1861, pp. 1-4.

forward, without delay, the numbers of their route or routes, and the nature of the service thereon, the schedules of arrivals and departures, the names of the offices supplied for present services, together with their address, directed to the chief of the contract bureau.

And, finally, it was ordered that until a postal treaty should have been made between the United States and the Confederacy, postmasters should not be authorized to collect postage on mail matter to or from the United States; and that until postage stamps and stamped envelopes were procured for the Confederate postage, it should to be paid in money.[8]

All property pertaining to the postal service was ordered returned by June 1, except mail bags, and locks and keys. Reagan explained that

this measure was necessary, if any adjustments of accounts was to follow the termination of hostilities and the coming peace, and was also necessary in order that there should be no time when they [the postmasters] were not responsible to one Government or the other, and also because if they had not been held responsible in this way, the temptation to embezzle would have been offered and might have led to serious consequences.[9]

The attitude taken here shows not only Reagan's fine regard for precision and law, but also the tendency of the Confederacy toward strict and literal compliance with the rules of law and justice,—the special desire at this time of the new nation to retire from her old alliance with clean skirts. Whatever the views held by the North, it is significant that the postmaster-general of the United States chose to discontinue the postal service in the seceded states on June 1, the date which Reagan's proclamation had fixed for the assumption of control by his own department. Concerning this Reagan remarked:

Whether this was by accident or design, I am not informed, but I think it was most probably the result of a purpose to meet the equitable design mentioned in my proclamation, and in order to avoid a clash in the service and to maintain the responsibility and enforce the obligations of those connected with the service.[10]

[8]Reagan, *Memoirs*, 131-132; *Richmond Examiner*, May 24, 1861.
[9]Reagan, *Memoirs*, 132; *Report*, Nov. 27, 1861, p. 41.
[10]Reagan, *Memoirs*, 132-133.

In addition to the work of organization, and inseparably connected with it, there were practical problems of administration which needed to be attacked at the earliest moment possible. Advertisement had to be made for all kinds of postal supplies; facts had to be procured upon which to base estimates of revenues and expenditures, first on a peace basis, and next on a war basis; the work was greatly augmented by the addition of the last four states to enter the Confederacy; and the delay occasioned by the removal of the capital to Richmond added no inconsiderable burden to the already overtaxed shoulders of the young department. All these things had to be undertaken with a view to assuming control of the postal service on the first of June[11]

The department did formally assume control of the postal service on the date announced; and so little did the people appreciate the difficulty of inaugurating such a sweeping change that complaints of irregularities of service appeared as early as June 18, some of them coming from so disrupted a portion of the country as that near Bull Run.[12] But while the general public was finding the faulty service a source of much irritation, the department was struggling with difficulties not generally comprehended until some time later. As a Texas newspaper expressed it:

> When Mr. Reagan took the office of Postmaster-General, he had to make it up out of nothing. What information he could get from the General Post Office at Washington had to be got by stealth. This, of course, was necessarily meager, and unsatisfactory. . . . The Post Office Department is very justly said to be an institution that no one feels but in its failures. Is it to be wondered at that our Postmaster-General did not perfect a vast and intricate business in a day? Is it to be wondered at that it is not yet perfect? Has he not in fact accomplished wonders in bringing as much order as he has out of chaos?[13]

Reagan's own statements of his difficulties are no less interesting. The United States Congress failed to appropriate any funds for the last half of the fiscal year ending June 1, 1861, for the Southern contractors, and, accordingly, the contractors went un-

[11]See Semi-Weekly *Richmond Enquirer*, April 6, 1861; *Report*, April 29, 1861, pp. 9-12, Nov. 27, 1861, p. 4.

[12]Semi-Weekly *Richmond Enquirer*, June 18, 1861.

[13]The Houston *Tri-Weekly Telegraph*, Jan. 6, 1862.

paid for six months. The postmasters were not so affected, as they deducted their own expenses and salaries before returning account to the United States Government. But the contractors, having exhausted their credit at the end of this time,

> were compelled either to abandon their routes or perform imperfect service. . . . During the period which intervened between the secession of the several states and the assumption by the Confederate States Government of its postal affairs, the entire service became demoralized and partially broken up, as contractors found no certain provision made for the payment of their services during that period; and there was to a great extent, an absence of responsibility in the performance of the duties of both contractors and postmasters, as they do not recognize the authority of the United States Government, and the Confederate Government had no control of the service prior to the first of June.[14]

After Mr. Reagan proposed to continue all contractors in the Confederate service, many of them appeared desirous of remaining contractors, but without contracts, in order that they might leave the service as they pleased. At the same time they continued to demand pay, and sometimes higher pay, for which some expected to render an inferior service. Many routes ceased to be profitable, and numbers of stage contractors, being without contracts, abandoned their routes entirely. As these stage routes were frequently trunk lines, great confusion resulted. "In some cases advertisements for proposals . . . met with no response, or, if responded to, it was by bids so extravagant and unreasonable as to preclude their acceptance."

Numerous contractors, though exempted by law, joined the army, and left the service "in the hands of careless or incompetent agents"; and even where the service continued, great delay was encountered "in obtaining contracts to ensure its faithful performance. . . ." Frequently, no notification of a change was made, and postmasters and contractors were unexpectedly found in the army. In some cases, private means had been furnished; but not being under the control of the department, the service was "irregular and imperfect." Even where postmasters remained, it was hard to get from them the responses necessary to enable the department to reappoint them or to appoint others in

[14] *Report*, Nov. 27, 1861, p. 11.

their stead; and inaccuracy in the execution of their bonds delayed the issuing of commissions to many of those who received appointments.[15] When so much of the service was out of direct control, and so many had failed to make contracts, it was impossible to give out the usual collection orders, for these were issued only to persons legally authorized as government agents. For some time, then, the department had trouble in collecting its revenues, and could not be quite sure how much they would amount to.[16]

Other routine business of the department was hampered by the scarcity of stationery and supplies. The very blanks to be used were procured with the greatest difficulty. When the postmasters applied for "letter balances," the central office could not supply them because they were not manufactured south of Boston. Paper was very scarce in the South, and well-equipped printing plants were hard to find. The first contract printer for the department, John H. Seals, of Atlanta, who obtained a contract in April, 1862, so embarrassed the department by repeated failures to fill orders, that his contract was annulled in November. Another contract was then let to Ritchie and Dunavant, of Richmond, who retained it to the end.[17] In 1863, Postmaster-General Reagan sent the equivalent of ten thousand pounds to England to be used there for the purchase of stationery, marking stamps, and dies.[18] In the Confederacy, twine and the paper for blanks and wrapping became almost unobtainable at the price which the department could spare from its insufficient revenues. Paper of certain grades rose from ten cents a pound in 1861 to one dollar a pound in 1863, and some of the mills asked even more. Consequently, the scarcity of blanks was such that the department could not supply the demand.[19]

[15] *Report*, Nov. 27, 1861, pp. 11-12, 19.

[16] *Report*, Feb. 28, 1862, p. 12.

[17] *Report*, Nov. 27, 1861, p. 19; Feb. 28, 1862, pp. 7-8; Jan. 12, 1863, p. 12.

[18] See below, under *Relations with the Treasury Department*.

[19] *Report*, Dec. 7, 1863, pp. 12-13.

2. Postage and Postage Stamps

The postal laws of the Confederacy were, in the main, identical with those of the United States. The Confederate Constitution required that the post office department should pay all of its expenses out of its revenues after March 1, 1863. The postage rates were somewhat higher than in the United States, and the franking privilege was practically abolished.[20]

It was a comparatively simple thing to enact laws prescribing the rates of postage, authorizing the postmaster-general to procure postage stamps, and restricting the franking privilege; but it was another thing to put these legislative enactments into effect. Owing to peculiarities in business conditions, vexing questions of a practical nature, presumably crushed to earth, continued, like Truth, to rise again.

Foreseeing some difficulty in procuring postage-stamps and stamped envelopes, Congress provided that until they could be had, the postmaster-general might order the postage to be prepaid in money, under such rules and regulations as he might adopt.[21] But so rapidly was coin withdrawn from circulation in the Confederacy, that the payment of postage became very difficult. In August, 1861, Congress made treasury notes receivable, in sums of five dollars and upwards, in payment of postage stamps and stamped envelopes. This did not help matters much, for the first stamps were not delivered until October, and then, as we shall see, in insufficient quantities.[22] Much dissatisfaction grew out of the exaction of gold and silver in payment of postage. Aside from the indignant demands for stamps, other results were: (1) a strong demand that treasury notes should be made directly receivable for postage, as well as for stamps and stamped envelopes; (2) charges of unfairness because postmasters and post office employees were receiving as salaries part of the coin paid in at the offices; and (3) the issuance by postmasters of private or local postage stamps.

[20] *Report*, Nov. 27, 1861, p. 41; *The Constitution of the Confederate States of America*, Art. 7, Section 8; Schwab, J. C., *The Confederate States of America*, 247; *Acts Provisional Congress, C. S. A., 1st Sess.*, pp. 35, 36; *2d Sess.*, p. 110.

[21] *Report*, Nov. 27, 1861, p. 39.

[22] *Report*, Nov. 27, 1861, p. 25.

In New Orleans it was argued that the treasury notes were receivable for other Government dues, and that certainly they should be received for postage. The postmaster there, Mr. Riddle, said that postage had never been considered as coming under the head of public dues, and that Congress alone had control of the matter. He referred to the law of August 30, but he said that no Confederate stamps had yet been furnished his office. As to misuse of specie, Riddle said he deposited that revenue with the assistant treasurer at the mint every Saturday afternoon. Over the payment of employees in specie there seems to have been some conflict of criticism. From Riddle's letter to the New Orleans *Bee,* November 27, 1861, one must assume that the *Bee* had charged the department with paying its salaries in treasury notes, while revenues were received in coin:

> You are under the belief that the Post Office employees are paid in Treasury notes. The Fact is, they are invariably paid in specie; and have been so paid since the bank suspension. The contractors, route agents, and other outside agents of the Post Office Department, are paid by drafts on the Assistant Treasurer, and not by the Postmaster.

Then the New Orleans *Delta,* November 29, ignoring the implication in the last sentence quoted from Mr. Riddle's letter, demands the reason "why, of all work for the Government, only Postmasters and their employees, mail contractors, etc., are paid in gold and silver?" It adds: "The system is unreasonable, and inequitable, and there should be a speedy end of it." The *Delta* exonerates Riddle from misapplication of the specie paid in, but thinks

> the public might reasonably ask why it is the Post Office Department compels them to discount the Government notes, and pay twenty-five per cent more for Dr. Riddle's private stamps than the Confederate stamps?[23]

We have no satisfactory reply to this last query; and Judge Reagan, late in his life, made these statements:

> No authority was conferred officially on the postmasters to issue

[23]Quoted in the Houston *Tri-Weekly Telegraph,* Dec. 9, 1861.

stamps. Such stamps as were issued by them was done [*sic*] on their own responsibility.[24]

Yet we find, in the middle of 1862, frequent warnings to Texas postmasters that their own stamps would not send a letter "a mile beyond the Mississippi."[25]

Now, on the very day that Postmaster Riddle of New Orleans issued his letter defending the actions of the post office department, Postmaster-General Reagan asked Congress to make treasury notes directly receivable for postage. This Congress did, December 23, ordering the receipt of the notes for postage just as for postage stamps, and "for advance payment of such postage."[26] The last proviso was necessary because the postmaster-general had said the exchange must be limited, and that the postmasters and their customers must arrange between themselves for the change, and the department obviously could not be expected to give coin in exchange

on account of its scarcity, and because it would be wholly inadmissible to allow them to receive and use the small notes, issued by corporations and individuals, for change, partly on account of the general worthlessness of such notes; and the facility for counterfeiting them, and partly because whatever value they have is usually limited to some small locality which renders them wholly unfit for use as Confederate currency.[27]

However numerous the private stamps were, it seems probable that the department considered them as a minor evil, for neither in his official reports, nor in the available portions of his letter book does Reagan make any direct reference to them.[28]

The difficulties of the post office department in securing postage stamps was not at first known,—or, if known, was not taken into account by the general public. The tone of the impatient, but fairly polite, inquiry in the New Orleans *Bee* and *The Delta* was mild, indeed, in comparison with that of other newspapers,

[24]Judge John H. Reagan to Mr. Bradley, Vice-President of the Texas Philatelic Association, in *The Dallas Morning News*, Feb. 24, 1899.

[25]Houston *Tri-Weekly Telegraph*, July 21, 1862. Other papers were asked to repeat the warnings in their columns.

[26]*Statutes at Large, C. S. A., Acts Prov. Congress, 3rd Session*, 228.

[27]*Report*, Nov. 27, 1861, p. 25.

[28]However, see below, p. 123.

which, of course, expressed the opinion of no small part of the people. The *Savannah Republican* of November 18, 1861, quotes from an editorial in the *New Orleans Commercial Bulletin:*

What is the reason the Post Office Department does not furnish the public with postage stamps? . . . The complaints have been growing louder and more general for several months, and they have at last given place to downright indignation. The plea originally put forth to . . . extenuate the neglect of duty that the Department had not time to prepare the stamps, no longer holds good—[it is] . . . a shame and a deception. . . .

The *Republican* adds in part:

. . . We re-echo the questions. In no department of the public service—not even in the Quartermaster and Commissary—have there been such gross inefficiency and neglect as in the Post Office. The public patience has been abused beyond endurance, and the popular clamor should be made to ring around the ears of Mr. Reagan until he retires from a post for which he has demonstrated his utter unfitness. . . .

Reagan was but human, and such stinging rebukes and "'manifestations of impatience" evoked from him a long statement of the various efforts made by the department to procure stamps, "as well for the information of Congress as for the vindication of the department against charges of neglect of duty in that respect."[29] The statement is so simple, direct and forceful, and withal so interesting, that one may well be pardoned for quoting the greater part of it.[30] The department was arranging to have stamps prepared before June 1, 1861, when the outbreak of the war stopped negotiations. The American Bank Note Engraving Company of New York in March sent dies for selection, without solicitation.[31] But political changes interfered. On March 16, a "gentleman having the means and capacity" proposed to establish a house in Montgomery for the manufacture of stamps, and on being furnished designs for the various denominations of

[29]*Report*, Nov. 27, 1861, p. 21.

[30]The whole statement is to be found in Reagan's Report of Nov. 27, 1861, pp. 21-24.

[31]Semi-Weekly *Richmond Enquirer*, March 19, 1861.

stamps, he left to attend to the matter, but "nothing was heard from him afterwards."[32]

On the 27th of March the Department advertised for proposals for furnishing stamps and stamped envelopes, in newspapers in the following cities, towit: Montgomery, New Orleans, Charleston, Baltimore, Philadelphia, New York, Savannah, Columbus, Richmond, Memphis, and Louisville. No proposals in response to this advertisement were received from any establishment in the then Confederate States. The only proposals made in answer to this advertisement were one from Richmond and one from Baltimore, proposing to furnish lithographed stamps. The proposition from Baltimore was regarded as most favorable, both on account of the style of the work proposed to be done and the terms on which the supplies were proposed to be furnished. But the collision between the citizens of that city and the Federal troops, on the 20th of April, and consequent suspensions of communication with that city, prevented further negotiations on the subject.

Early in May a man contracted to manufacture the necessary stamps in the Confederate States, if he could get the machinery in from the United States; but in June he notified the department that he was unable to do this.

In July, a confidential agent was employed by the Department to procure the making of the required steel dies and plates for postage stamps, beyond our territory, and to furnish them to the Department as soon as they could be prepared, and also, if found practicable, to have the stamps made and furnished ready for use.

After receiving some encouragement, and after the work of making the steel dies had commenced, circumstances rendered the discontinuance of the work by the manufacturer necessary. And our agent then made an effort, at another point, to procure lithographed stamps of a superior style, and after some delay it became necessary to abandon that effort to supply the Department.

This brought us to September.

Efforts were made everywhere, and at last lithographed stamps were ordered as a temporary expedient. After delay, stamps were furnished, but so few in quantity, and so high in price for the quality offered, that a special agent was sent to Charleston and to Savannah to engage supplies. He came back on the fourth of November, saying that estimates would be submitted as soon as

[32] *Report*, Nov. 27, 1861, p. 22.

the parties consulted could ascertain the cost of machinery and paper.

A proposal was received in due time from the Charleston firm, who said that ninety days would be required for the preparation of the machinery and plates. Concerning this firm the postmaster-general further reported:

This engraver proposes to furnish the stamps gummed, but not perforated, at a cost of one dollar per thousand, the paper to be furnished by the Department, whereas the United States Government paid but eighteen cents per thousand stamps gummed, perforated, and put up in tin and paper boxes and envelopes.

The engraver in Savannah says it will take sixty days to prepare the plates for each denomination, and the delivery of 400,000 stamps, and with his present force, he can only furnish 80,000 stamps daily, while the estimated number needed daily is 260,000. Meanwhile an agent has been sent to Europe [to procure the manufacture of steel dies and plates for printing stamps] . . . and for procuring for use, as soon as practicable, fifteen million stamps, and to forward the dies, plates, and stamps to this city. The small supplies now being received from the contractors in this city only serve to increase the public discontent, as they are insufficient to meet the demands of even the principal cities. . . . When prepared and supplied as they should be, to all post offices, they will represent the entire revenues of the Department.

There is a popular delusion, resting on the minds of many, that almost any character of engraving will answer for postage stamps, and in support of this opinion, reference is frequently made to the fact that postmasters of different cities and towns have procured stamps for their offices. These are made upon wood, or stone, or lead, or are electro-typed. Stamps prepared by either of these modes can be counterfeited with great facility by a mere tyro in the art of engraving; and the Department could not risk its revenues on such a slender security without disregarding the public interest.

Interesting in this connection is a Philadelphia newspaper's advertisement of Confederate stamps for sale to the trade at fifty cents per hundred, or four dollars per thousand.[33]

[33]Semi-Weekly *Richmond Enquirer*, Nov. 11, 1862, editorial comment on an advertisement quoted from the Philadelphia *Enquirer*.

The first delivery of postage stamps was made October 15,[34] and they were issued to the public three days later, being eagerly bought up. They were described as being "green, with a lithographed likeness of President Davis within a double oval border, surmounted with the inscription 'Confederate States of America.'" Outside the oval at the head of the stamp, was the word "postage," and at the lower edge, the denomination, "five cents."[35] The first stamps were

> distributed to such post offices as were in the vicinity of military encampments, to the large cities, and to such of the principal and smaller towns as the number furnished by the printer . . . enabled the Department to supply.[36]

Between October 15 and November 27, only 1,430,700 stamps were received; but by the end of February, 1862, the total had reached 12,341,500, with a value of $662,180. The postmaster-general stated then that the total number received, together with those being furnished by the printer in Richmond, would enable the department, in a very short time, to furnish every office with a full supply. He believed, also, that the department would soon be able to supply the much needed two-cent stamps.[37] The two-cent stamps figure in subsequent reports, and no further difficulty in securing a sufficient number of stamps seems to have been experienced. For the year ending June 30, 1863, the department paid $12,572.78 for postage stamps, but the estimated cost for the following year was $27,000. And of the 39,779,500 stamps issued during the year 1863-1864, 33,450,400 were ten-cent stamps.

Mr. Reagan seems not to have considered the fact that the smallest treasury note issued was for one dollar, that there was practically no other currency available to the department, and that it must have been frequently quite inconvenient to purchase one dollar's worth of postage stamps at a time; for it is to be remembered that the postmasters could give out no fractional

[34] *Report*, Nov. 27, 1861, p. 21. It has not been possible to obtain certain information as to where these or other stamps were obtained, except that some were made in Richmond.

[35] Moore, *The Rebellion Record*, Vol. III, 27, a quotation from the *Richmond Examiner* of Oct. 19, 1861.

[36] *Report*, Feb. 28, 1862, p. 10.

[37] *Report*, Feb. 28, 1862, p. 10.

change in specie. Quite naturally, then, stamps themselves came into more or less general use as small change. Of the stamps sold from July 1, 1862, to June 30, 1863, those "afloat and principally employed as currency" amounted to $543,543.22.[38] To meet the demand for small change, the post office department in 1864 issued half a million twenty-cent postage stamps, which were freely received at first, but were soon wanted by no one; and the department did not offer to redeem them.[39]

3. The Conflict of the Post Office and the Military

Under normal conditions the relations of the several departments of the Confederate Government probably would have been conducted with a spirit of mutual forbearance and with a nice regard for the interests of each department; but in the stress of the desperate struggle for existence, the military branch of the Government had come to dwarf all others, and military officials interfered repeatedly in affairs of a purely civil nature. Though military necessity may well have been pleaded for many of these transgressions, Mr. Reagan was never able to reconcile himself to them, and his relations with the secretary of war at times were strained to the breaking point. The principal transgressions of the military were conscription of men in the postal service and the impressment of transportation facilities for the mails.

But before the general government had taken over the control of enlistments, Reagan protested to Secretary Benjamin concerning the conscription of postmasters and clerks all over Virginia by the state authorities. He said the men taken had good cause for action against the officers for false imprisonment, as the arrests had been made with a knowledge of the legal exemption of the parties concerned.[40] The postmaster at Richmond reported that an armed force on March 16, 1862, had surrounded the post office for a time, preventing all mail matter from leaving, except that for Fredericksburg, which had been sent out by a porter after the men had left. Reagan promptly reported the whole matter

[38] *Report*, Dec. 7, 1863, p. 28.

[39] Schwab, *The Confederate States of America*, 163, citation from the *Richmond Dispatch*, April 13, 1864.

[40] Reagan to Benjamin, March 15, 1862, *Letter Book*, I, 407, 408.

to President Davis, denying the right of the State of Virginia to impress his men, and begging that the evil be arrested. He laid great stress on the equity of his claim to the services of the men impressed, in addition to his assertion that the men were legally exempt.[41] Conflict with the state authorities was merged in that with the general government through the passage of the first exemption act, approved April 21, 1862.

From the beginning of the war the regularity of the mails had been interfered with because the war department and army officers frequently directed military schedules to be run by the roads in conflict with the schedules of the post office department.[42] In April, 1862, Mr. Reagan requested the secretary of war to prevent further interference by the army with the mail service up and down, and across the Mississippi river. A week after making the request he was moved to say that "interruptions go beyond what is necessary." He wrote:

> The mail service is in a most deplorable condition, and I am powerless to remedy its conditions without your assistance. I . . . must ask that orders be issued requiring that the mail cars be allowed to pass with other trains, and that when persons profess to stop the mail cars by military authority, they be required to show the authority for their action. . . . The mails are frequently detained here in the city, when trains are going out, and prevented from arriving here when the trains come in.[43]

An order was then issued, requiring persons interfering with the running of trains to show a written permit from the officer in charge of such matters, or else to have the necessary order issued in some other way.

In May, Reagan again wrote to Secretary Randolph, enclosing a letter from the postmaster at Memphis telling of the confiscation by a Major Hunt of two hundred and fifty mail bags to be made into knapsacks. The postmaster-general was much annoyed, for he was unable to procure mail bags either in the Confederacy or abroad; and he could not

> but regard the conduct of Major Hunt . . . in seizing so

[41]Reagan to President Davis, March 16, 1862, *Letter Book*, I, 408-411.

[42]*Report*, Nov. 27, 1861, p. 16.

[43]Reagan to Randolph, April 2, 1862, and April 9, 1862, *Letter Book*, I, 414 and 419.

much of the most valuable property of this Department, without notice or consultation, as impertinent, offensive, and inexcusable.[44]

Probably the protest had some effect, for the writer has seen no other bitter complaint from Mr. Reagan over the seizure of post office supplies.

Laws and Orders of Exemption

The troubles with the war department became more acute after the passage of the conscription acts of 1862. Each act of exemption from army service left a decreased number of dependable employees in the service of the post office department, and caused an increase in the labors of those men not included in the enrollment lists. The first act of exemption from enrollment in the armies of the Confederacy, approved April 21, 1862, included "all clerks of the officers of the State and Confederate Governments allowed by law; all engaged in carrying the mails; all ferrymen on post routes; all pilots and persons engaged in the marine and in actual service on river and railroad routes of transportation."[45] However, an executive order of April 26, announced, in part, that as far as the interests of the service would permit, the persons employed in the executive departments of the Confederate Government would be selected from those not subject to military duty.[46] The exemption act was promulgated by general orders[47] in May and November (1862); but the post office department "encountered much inconvenience, and some pecuniary loss," besides being subjected to a "heavy correspondence, on account of the frequent changes of postmasters and contractors for carrying the mails . . . as many of both classes had, from time to time, gone into the army."[48]

In October, Congress passed another exemption law, which now rendered all postmasters and contractors between the ages of eighteen and forty-five, liable to military service, with the excep-

[44]Reagan to Randolph, May 24, 1862, *Letter Book*, I, 441-442.

[45]*Official Records of the Union and Confederate Armies*, Series IV, vol. I, 1081.

[46]*Off. Rec.*, Series IV, vol. I, p. 1092.

[47]*Off. Rec.*, Series IV, vol. I, p. 1123; and vol. II, p. 161.

[48]*Report*, Jan. 12, 1863, pp. 15, 16.

tion only of those postmasters appointed by the President and confirmed by the Senate.[49] New appointments and new contracts, or the recognition of the transfers of contracts again became necessary, the operations being attended with increasing difficulty and expense.[50] Bids for contracts in Virginia, North Carolina, South Carolina, Georgia, and Florida, for the next four years was to be made in the spring, and thus by the reduction of the number of those eligible to bid, the cost of service was automatically advanced beforehand.[51] In fact, within twenty days of the expiration of the time specified for receiving proposals, only 114 bids had been received at the department for the 887 routes open to competition.[52] The postmaster-general was greatly disturbed. Though the law seemed quite clear, it was necessary for him first to claim and then to have recognized by a general order the right of route agents on railroads and steamboats to exemption as executive officers of the Confederate States. The war department took the precaution to enroll all the route agents within the conscript ages, and to furnish them with certificates exempting them during their appointments, it being understood that, in case of the failure or expiration of an appointment, the one exempt should report to the officer by whom he was enrolled, or, if he could not "be found," to the adjutant and inspector general at Richmond.[53] But without the aid of Congress no other exemptions could be made for the post office department.

This the postmaster-general recognized. He informed the President that unless the conscription laws were somewhat relaxed, it would be necessary to discontinue the postal service entirely in large districts of the Confederacy. President Davis was extremely reluctant to increase the list of exemptions, but so great was the importance of maintaining communication and so small, relatively, was the number of men needed to continue the postal service, that he submitted Reagan's statement to Congress. However, the President recommended that any exemptions made

[49]*Statutes at Large, C. S. A., Acts of the First Congress*, Session II, 77.
[50]*Report*, Dec. 7, 1863, p. 13.
[51]*Report*, Jan., 1863, pp. 15, 16.
[52]*Report*, Dec. 7, 1863, p. 7.
[53]*Off. Rec.*, Series IV, vol. II, p. 363; *Letter Book*, I, p. 30, of Gov. Vance of N. C., "Confederate Archives," U. S. War Department.

should be confined to contractors, excluding sub-contractors; that the number of drivers should not exceed one for every twenty-five miles of coach service; and that the total number of exemptions should not exceed 1500.[54]

Congress in April saw fit to follow the recommendations of the President and the postmaster-general. Contractors and their riders and drivers were exempted, but with numerous provisos and restrictions. These restrictions, in view of later incidents, are worth mentioning here in some detail. No more than one contractor to a route, or more than one member of a firm of contractors, was exempt, even if one member was exempt through an age or physical disqualification. No contractor was exempt for a route of less than ten miles on which the mail was carried on horseback. But no person was eligible for exemption by reason of having a contract transferred to him after the passage of the act. A contractor using coaches or hacks was required to take oath that the weight of the mails required their use, that he did not, and would not have in his service more drivers than were indispensably necessary for carrying out the contract, and that he would give notice to the enrolling officer whenever a driver ceased to be in his employ.[55]

The law was stated with what seems to be unusual clearness, but the varied interpretations of it by the war department, the courts, and the postmaster-general increased the tension between the war and post office departments and maintained it to the end of the Confederacy's existence. The postmaster-general, it must be admitted, seems to have felt himself justified in keeping only the letter of the exemption law, which he claimed was not only oppressive in itself, but was frequently disregarded by the conscription officers in the most flagrant manner. Reagan's interpretation of the law was sustained by the courts, which found for the claimants of exemption. The correspondence of the two department heads for the time of the passage of the last exemption act, shows increasing mutual suspicion.

In June, 1863, Reagan informed General Elzey that he had organized the employees of the department and of the Richmond

[54]Richardson, *Messages and Papers of the Confederacy*, I, pp. 312-313.
[55]*Statutes at Large, C. S. A., Acts First Congress*, Session III, p. 107.

post office into a company consisting of eighty-one officers and privates, and had asked for arms; but he had received no reply to his request. Fearing technicalities, he was unwilling to allow the men to be regularly mustered into the service, although he offered their services to help in any actual defence of the city.[56] The tone of the letter is one of extreme caution, as if the postmaster-general wished to put himself on record as being aware of, and willing to perform, his full duty.

Soon afterward, he became very indignant over the action of the conscript officers. Certain contractors of the department, whom Reagan believed to be legally exempt, had been arrested and forced into the army. They appealed to the postmaster-general. He said he had no authority over the matter; but he advised the contractors who had been arrested when exempt to sue for the writ of *habeas corpus,* and then to bring suit against the officers for false imprisonment. He gave these reasons:

> By subjecting them to costs and damages they may be induced to have some respect for the law and the rights of others, which it seems neither the law itself nor the decision of the courts have been sufficient to inspire.[57]

The charges against the conscription officers were reiterated in the postmaster-general's report of December, 1863, and were followed by a resolution of the House of Representatives inquiring whether mail contractors, exempt under the act of April 14, had been retained in the army and held subject to the performance of military duty since the passage of the act, and, if so, upon what ground this had been done.[58]

In response to the inquiry, James A. Seddon, the secretary of war, reported that before the passage of the act of April 14, 1863, the war department had considered exempt those who at the date of call for conscripts were not in the army or claimed for enrollment, "and who belonged to the class of exempts as designated by the act of exemption." This view the department had considered to comply both with the spirit and the letter of the law.

[56]Reagan to Gen. Elzey, June 9, 1863, *Letter Book,* I, p. 712.

[57]Reagan to ————, July, 1863, *Letter Book,* I, 738-739. That part of this letter showing the address and date was not included in the photographic copy in the Texas State Library.

[58]*Journal of Congress of C. S.,* vol. 6, p. 521.

It also considered the act of April 14 as supplementary to the other exemption acts, not designed to draw any persons from the army, and to apply only to those persons not enlisted or enrolled previous to its adoption. The bureau of conscription was lenient, and determined "that the cause of exemption should exist at the time that military service is claimed." Accordingly, a person otherwise subject to conscription, who before or at enrollment claimed exemption as being a contractor, was not refused exemption, even if the contract had been obtained after the passage of the act. But a contract obtained subsequent to enrollment did not entitle a person to a discharge from the army, which the secretary said a release from service would amount to. Nevertheless, several judges of the district courts had decided that the exemption acts of October and April authorized discharges from the army for those who before enrollment were in the newly exempted class. And under the act of April 14, one of the judges had discharged from the army "three members of the same company who had taken mail contracts for one mill, one cent, and ten cents, respectively." The post office department, adding insult to injury, in its advertisements had represented "exemption from the military service (including a discharge from the army if enlisted) as a part of the benefit to be obtained by a contract for carrying the mails." There had resulted a sort of competition among men and officers to obtain these contracts at nominal prices, thus abandoning the Confederate flag "in the hour of its extreme peril to carry the mail in obscure districts and upon unimportant routes." Now, while the war department respected the opinion of the court in the individual cases, the secretary refused to take it as a rule for action. He said that the war department had not interfered with any of the soldiers who had been fairly discharged by judicial authority under the construction that the act was applicable to the army, and that "in deference to the judicial opinion contained in such judgment," it had not discharged from the army any other soldiers who had obtained mail contracts. Secretary Seddon made a careful distinction between "exemptions" and "discharges" from the army; and he assured the President that the department's "opinion on the act of October last

was fully known and had been generally acquiesced in, and particularly so by Congress itself."[59]

Now, while Congress was busying itself in the matter of illegal conscription, it is not to be supposed that Postmaster-General Reagan was passive. But, though he protested several times, beginning in October, he obtained no satisfactory response from the war department until February 3, 1864. The correspondence is long, revealing in some detail the particulars brought out in Secretary Seddon's report to the President; and it continued, as has been said, throughout the bitterest part of the Confederacy's death struggle.

On January 28, 1865, Reagan addressed a letter to Seddon, reciting the contents of three previous letters to the secretary of war, from whom he had received no answers. His first letter had protested against the circular instructions given out by the chief of the conscription bureau, and had contained a copy of Judge Halyburton's opinion in the case of *ex parte* Lane. Lane, as an enlisted soldier, had obtained a mail contract, and had received therefor a discharge from the army from Judge Halyburton.[60] The second letter, November 17, presented a case "of gross violation of the law and contempt of the decisions of a court of the State of Virginia in two cases in which persons were arrested and put into military service after having been released from such service on writs of *habeas corpus*." The third letter (January 7) enclosed a copy of a letter "from the postmaster at Ivor, Virginia, complaining of the rude and unlawful conduct of a Captain Green in unceremoniously turning him out of the post office and using it as a dancing salon, and as a store house for forage. . . ." Mr. Reagan said that he had in the two last letters asked for replies from the earlier ones, but that he had received none. Now, though he knew that frequent correspondence was required between the two departments, he felt that Secretary Seddon's course precluded any further communication between them, without a surrender of self-respect and the rights of the

[59]*Off. Rec.*, Series IV, vol. II, pp. 1054-1057.

[60]Pamphlet in Confederate Archives of U. S. War Department, Washington, D. C. (No date.)

department by himself, and that, therefore, he had no recourse but to submit the matter to the President.[61]

In spite of the unpropritious ending of the postmaster-general's letter, Secretary Seddon replied fully on February 3. The complaint of the dispossessed postmaster at Ivor had been referred for inquiry and had not yet been returned. Reagan's first letter (of October 19) had been referred to the conscript bureau, and the response was enclosed, but does not appear in the *Official Records.* The second letter, it developed, had called up matters which were already under investigation when the letter was received. They were "the cases of Kinzer and Surface, arrested and returned to their regiments by order of General Buckner after their discharge from the military service of the Confederate States on writs of *habeas corpus* by Judge Fulton. . . ." Secretary Seddon then gave fully his views on the collision between the two departments as brought up in Reagan's last two letters.

He gave the same arguments and reasons which had appeared in his previous statement to the President,[62] but cited cases and contracts by name and number. The men, Surface and Kinzer, at the time their bids were accepted (at one-fourth, and one cent per annum) were privates in the army. The chief of the contract bureau of the post office department said they were exempted. And here Secretary Seddon said he "understood the judge of the district court had so decided and discharged soldiers, who had become contractors on writs of habeas corpus"; and he further said that his department considered it had just cause of complaint against the post office department "for the course pursued in this and similar cases." However, the men had not been arrested in defiance of the law, but through a mistake in jurisdiction.[63] Yet

[61] *Off. Rec.*, Series IV, vol. III, pp. 52-53.

[62] See above, p. 130.

[63] The writs of *habeas corpus* were issued by a Virginia circuit court while the men were in Tennessee, where they were honored by the military; and the men, on appearing before the court, were discharged from the army. "General Buckner, learning the facts, believing the court had no jurisdiction, and that the order was, therefore, of no effect, ordered their arrest and return to their regiment. It is perfectly clear that the judge had no jurisdiction when the writs were issued; that it was an unjustifiable exercise of a judicial prerogative in another State, and that the commanding officers of the regiment erred in surrendering the men to the officer of the court. But when they appeared before the judge within his circuit the jurisdiction attached. . . ."

the war department, as in the cases decided by Judge Halyburton, would accept the decision, no matter how erroneous, and promised to discharge the men. As before, the department clung to its own interpretations of the law, and declared they would not be changed unless by direction of Congress. In closing, Secretary Seddon apologized for not answering sooner, but not for the actions of the department, which he said, had been "in accordance with the law, the policy of the Government, and the necessities of the country."[64]

The postmaster-general was prevented by illness and the pressure of his duties from replying before the middle of February, when he sent Secretary Seddon a communication even longer than that he had received. He withdrew his complaint concerning the postmaster at Ivor, Virginia, as investigation had shown the postmaster's complaints to have been without foundation. The only point of difference in opinion now seemed to be as to whether persons who became contractors while in the military service were entitled to exemption during the periods of their contracts. Yet Mr. Reagan pointed out that in a number of cases men who had become contractors in July preceding the passage of the act of April 14, 1863, were arrested and held for military service by the conscript officers. To have allowed these acts of the military to go unchallenged would have defeated the purposes of the law in the opinion of the postmaster-general. He likewise professed amazement at the war department's refusal to follow as a rule the decisions of the State and Confederate courts, the second of which he said certainly had competent jurisdiction, and could render decisions conclusive for the Government and its departments, and for all other parties to a suit, until the cases were appealed and reversed. But if it were admitted that the construction of the exemption law by the department could override judicial decisions, would the construction of the war department or that of the post office department prevail? Each was interested, and who should determine which was the more interested? There must be an arbiter. If this arbitrament was to depend on the possession of soldiers and bayonets, then of course it was a question not of law and right, but of force and power. But if

[64] *Off. Rec.*, Series IV, vol. III, pp. 70-74.

the courts of the country were to be the arbiters, the question was one for judicial solution, according to law and the principles of justice. The postmaster-general had not seen Secretary Seddon's response to the resolution of the House on the subject, and he would in nowise feel bound by a document never brought to his notice, which, while entitled to respect, was of no more binding authority than the opinion of a co-equal branch of the Executive Government. Nor could it rightly be assumed that Congress consented to the correctness of the interpretation of a law by one of the departments because it omitted to legislate in response to that interpretation. To sustain this assertion reference was made to Judge Halyburton's opinion in the case of John Lane, as well as for support in asserting that there was no distinction between "exempt" and "discharge" in the laws containing the two words. Finally, after he had admitted that he discussed the subject at so great a length "more because of the principles involved than on account of the small number of men . . . hereafter to be employed by this Department who would otherwise be liable to service in the Army," Mr. Reagan turned to the matter of nominal compensations. Out of the 1,253 mail contractors in the Confederacy, "only 147 had obtained contracts at nominal rates of compensation." And the postmaster-general, sympathizing with the war department's efforts to fill up the army, promised "in all cases in which it is practicable," to avoid the employment of persons in his department who were "either in the Army or liable to enrollment." But the closing paragraph of the letter promised little for an amicable settlement of the dispute.

In reference to your request that I "designate all the contractors where the parties have been discharged from the military service on writs of habeas corpus, in order that they may be reclaimed by the military authorities," I have to say that if I thought it right to aid in disregarding the judicial decisions by which these persons were discharged, I have no information which would enable me to comply with your request, except in a very few cases which have incidentally come to my knowledge. We receive bids and award contracts in the great mass of cases without any means of knowing whether they are in the military service or liable to enrollment, except as we infer from the low rates of their bids, and without any means of knowing who have been discharged on

writs of habeas corpus. But you will see from the foregoing that I do not think it would be proper to adopt the course you suggest.[65]

The secretary of war at last realized the futility of further direct argument. Replying briefly within two days to the postmaster-general's letter, he said in part:

> It is evident that further discussion between us will not result in a change of opinions now held, and, while I am unable to concur with you, I have no hope of inducing you to agree with me, so that no good could come from any review of your letter.[66]

Perhaps it was because he already had knowledge of the new conscription act passed the same day. The Act of February 17, 1864, placed the age limits at seventeen and fifty years and repealed all previous exemption laws, making new specifications of exemption. The exempts enumerated included those then employed in the postal service; and Article IV of Section 10 expressly continued in force the Act of April 14, 1863, for the exemption of mail contractors and drivers; provided, however, that the exemptions granted under this act should continue only while the persons exempted were actually engaged in their respective pursuits or occupations.[67] We shall see that this last clause gave ground for a re-opening of the quarrel between the military and the postal authorities.

Specific Instances of Abuse of Exemption by Contractors

It was General Lee who next complained. In a letter to the secretary of war he declared that the drain upon the strength of the army by exemption of civil officers, postmasters, and mail carriers, added to the details made for other purposes, "was more than it could bear." A large number of men were either taken from the army or kept out of it as mail contractors, many of whom made contracts for the sole purpose of evading the army.

Then General Lee cited two notorious instances of such contracts. The first was that of a man named Leftwich, who, though a contractor for an "unimportant route" in Alabama, resided in

[65] *Off. Rec.*, Series IV, vol. III, pp. 121-125.
[66] *Off. Rec.*, Series IV, vol. III, 126.
[67] Act of Febr. 17, 1864, *Off. Rec.*, Series IV, vol. III, pp. 178-181.

Richmond, where he carried on his business, never having seen his route. Yet he was discharged from service by the court.[68] General Lee, while he said he thought there was no necessity for awarding Leftwich the contract, diplomatically added that he had "no doubt that the Post Office Department was imposed upon." The other case was that of a young man named Michie, who obtained a contract on an obscure route and was discharged from the service. The son of wealthy parents, he remained at home and employed some one else to carry the mail. General Lee "supposed"—much more courteously than ever Mr. Reagan or Mr. Seddon could have done—that it was "in the power of the Post Office Department to prevent these abuses and even to annul such fraudulent contracts where they exist," and that "perhaps if the attention of the Postmaster-General were called to the subject some slight increase in our depleted ranks might be secured."[69]

The letter from General Lee was indorsed by Secretary Seddon to Postmaster-General Reagan. The sonorous phrases of the indorsement are so stilted and pompous that they are extremely ironical in effect. But the postmaster-general's reply shows that he was too weary to engage in a new and spirited controversy. His answer reiterates his previous statements as to the needs of his department, and replies to each charge against it by the military; but this refutation is written as though he had no hope of convincing anyone so stupid as the military. The letter begins and ends abruptly with curt statements; there is no direct argument, for Mr. Reagan seemed to feel that if an exhibition of the distress of the department could not convince, no argument could.

He admitted that 105 more new contracts had been made at nominal rates, where existing contractors had been put into the military service, or had for other reasons abandoned the postal service. He doubted whether these exemptions should be disallowed by law, for to do so with the present state of the currency

[68]His case was similar to that of *ex parte* Lane, but the objection to his discharge was based on the clause of the act of February 17, 1864, which continued exemptions only so long as the person was actually engaged in his pursuit or occupation. However, the court, holding that Leftwich was bound to perform his contract to carry the mails, and that he was exempted under acts of Congress, ordered his discharge. Pamphlet in the Confederate States Archives of the U. S. War Department, Washington, D. C. (No date.)

[69]Lee to Seddon, Sept. 10, 1864. *Off. Recs.*, Series IV, vol. III, p. 660.

would make it impracticable to keep up the postal service. In such a case he said lack of communication would cause more men to desert in a short time than were required to keep up the service. Yet, he was willing to submit the matter to the President and the cabinet, and if the decision was adverse to him, he said he would do all he could to keep up the service without using exempts. As to postmasters, he said there were not more than one hundred appointed by the President and confirmed by the Senate, and that the President had refused to appoint persons liable to military service. Even clerks heretofore thought indispensable might in a short time be allowed to go, and it was certain that but a very few of the route agents were liable to service. "I desire no exemptions for this Department which it is impracticable to get along without," declared the postmaster-general, "and you shall have my cheerful co-operation in everything which will augment our armies." In regard to the two special cases mentioned, he pointed out that General Lee had been misinformed. The route contracted for by Leftwich was not "unimportant," but actually forty-five miles in length.

The former contractor was arrested and put into the military service contrary to law. The route was one of such importance that the postmasters on it and the special agent of the Department requested a renewal of the service, and it was re-advertised on the 16th of March, 1864, and Leftwich being the lowest bidder, the contract was awarded to him on the 27th day of May, 1864, for a merely nominal consideration.

Mr. Reagan understood that it was costing Leftwich at the rate of $6,000 a year to have the service performed. Here the question might be raised as to whether Leftwich was actually engaged in his occupation as contractor. We have seen that the court thought so, but Reagan's defense of his case was that the other contractor had been illegally conscripted and that Leftwich was paying $6,000 annually to a branch of the Government for his exemption. But he offered no defense at all for the case of Michie, who, he said, was a carrier for a "special Office," as such not a contractor, and, therefore, not entitled to exemption as carrier for the post office at Mechanicsville.[70]

[70] *Off. Rec.*, Series IV, vol. III, 657-661.

It should be clear by this time that the quarrel of the two departments over conscription grew out of the war department's failure to appreciate the value or the rights of the post office department. It is evident that Congress and the people considered a postal service as almost indispensable, and certainly Congress by its laws showed its intention to provide for its continuance. It is also easy to see why the employment of contractors for nominal considerations seemed to the military an outrageous violation of the spirit of the exemption laws. But everything considered, the postmaster-general was justified in taking the course pursued. His department had to be self-sustaining, and its revenues in the depreciated currency were scarcely sufficient before the conscription acts were passed. To keep up the service then on full salaries could have been impracticable, owing to the decreased number of bidders for contracts and the increased cost of transportation; and, if the military showed a disposition to make its own interpretation of the law and to disallow the obvious intention of Congress to preserve the postal service, the postal authorities felt themselves justified in taking advantage of a technicality in opening the postal service to those desiring exemption, especially when the conscription officers were constantly causing interruptions of the service and other trouble by arresting men legally exempt. Finally, in consideration of the great discontent prevailing in the armies toward the close of the war, one must admit the force of Reagan's practical argument for the continuation of the postal service; namely, that if postal communication had been discontinued, more men would have deserted in a short time than would have been required to conduct the entire post office department.

Unfortunately, the two departments had still another matter of difference arising from the use of departmental clerks in defending the city of Richmond. The clerks and officers in the local defense organization it had been supposed would be called out only in great emergencies; but, in reality, after the spring of 1864 they composed a part of the army, being withdrawn from their duties for months at a time. The post office department could not legally appoint other clerks had it so desired, and much of its business had to remain unattended to. Reagan was moved

to protest to Lieutenant-General Ewell, at headquarters in Richmond. No one able to do military duty had been appointed to a clerkship in the post office department since early in 1862, and fully three-fourths of his clerks, he declared, were now "either men over fifty years of age, ladies, wounded and disabled soldiers or invalids from some other cause"; and fully one-half of those who belonged to the local defense troops were either disabled soldiers or invalids. The postmaster-general wanted some of these men permanently detailed by the secretary of war, and he asked that the clerks then detailed for the city post office be allowed to remain there.

General Ewell returned Reagan's protest, referring him to the secretary of war, observing that he himself had "frequent applications from ladies, . . . apparently well fitted for clerical duty." Such impertinence was too much for "the old Roman," and Reagan appealed to the President, for the secretary of war had referred him in the first place to General Ewell.

The postmaster-general pleaded with President Davis for some action which would put an end to the "anomalous condition of things" then

> paralyzing the Department for the want of a few men, . . . and subjecting the heads of departments to the control of military officers of any grade who may have to act on their applications for the detail of their own clerks, and . . . to the receipt of such suggestions as that . . . of General Ewell's indorsement about the employment of ladies.

With so very few men in the department liable to conscription, these being absolutely necessary to it, a large part of the postmaster-general's time for the past year had been spent "in asking for details and passes and in repeating these requests every few days or weeks only to have them revoked," the work then to be gone over again. "The policy is most injurious to the public service," concluded Mr. Reagan, "and is embarrassing and degrading to the heads of departments who have to submit to it."

The protest was made December 29, 1864, but it was not until March 2, 1865, that the President indorsed it to the secretary of war "for his perusal as stating matters which have heretofore

been embarrassing."[71] The Confederacy was now upon the brink of dissolution, wherein was to end the controversy between the war and post office departments. The principle for which the postmaster-general had fought seems to have been correct, but so great was the confusion and so desperate the needs of the dying government that any criticism of either department seems captious and uncharitable.

(*Continued*)

[71] *Off. Rec.*, Series IV, vol. III, pp. 970-974.

TEXAS *VERSUS* WHITE

WILLIAM WHATLEY PIERSON, JR.

CHAPTER IV

SUBSEQUENT LITIGATION

Texas v. Hardenberg

As has already been remarked, the decision and decree in the case of *Texas v. White* left the settlement of many of the points involved to later proceedings. The first case which arose in this process of legal adjustment was that of *Texas v. Hardenberg*.[1] The bonds held by Hardenberg had been redeemed under an agreement which has already been noticed. When the court decreed that the defendants were liable to suit for the recovery of the indemnity bonds, Hardenberg was included in spite of the fact that his bonds had been paid. Under these circumstances, Texas sued in the Supreme Court for the delivery of the bonds or their proceeds. In answer to the bill in this suit, Hardenberg endeavored to reopen the discussion of the merits of the original case by reviewing the history of his purchase and attempting to show that this action had been in good faith. He urged further that his bonds had been paid by the United States, and that his counsel should be heard as to the effect in law of a payment which had taken place before he had been served with notice of a contest by the State of Texas. On the whole, he argued that there had been an error of pleading in the original case and that the bill had only prayed for the rendition of the bonds, not the proceeds.[2]

The opinion of the court was delivered by Chief Justice Chase. The court, at the outset, declined to consider the bill in the case of *Texas v. White* to be of the narrow and restricted character assigned to it. by the defendant. To interpret it so would, it was alleged, savor of "extreme technicality." The clause of the bill asking expressly for the injunction and decree had also petitioned for such other comfort as the court might see fit to allow. This clause was

[1]10 Wallace, 68, decided December term, 1869.

[2]Paschal and Merrick for Texas; Carlisle and Evarts for Hardenberg.

considered sufficiently general and broad as to render possible the inclusion of the matters sought for by the complainant. The court then passed to a consideration of the other contentions of Hardenberg. The bill in *Texas v. White* had been filed in the Supreme Court on February 15, 1867, and Hardenberg was served with the *subpoena* on the 27th of that month. He had received payment of his bonds on the 16th. The court questioned the validity and actuality of this payment; and, in addition, held that the complaints of the Texas agents at the treasury with which Hardenberg was admittedly familiar, the institution of the suit in the case of *Texas v. McCulloch,* and the repeated postponement of the payment of his bonds by the treasury collectively constituted notification of the fact that Texas claimed the bonds and would contest the possession of them with him. It was held that the correspondence between the treasury officials and Hardenberg, the negotiations of counsel, and the articles of agreement between Hardenberg and McCulloch contained demonstrative proof of the fact that Hardenberg was aware of action of Texas. It was, therefore, unimportant to inquire whether the delivery of the coin check had preceded the service of the process. The payment of the bonds, moreover, had not been real. As the comptroller had said in a letter to Chase, "In form the bonds had been paid; in fact the proceeds had been withheld from Mr. Hardenberg, because of the legal proceedings." These proceeds, the court ordered to be turned over to the Texas representatives.

In conformity with this order, Hardenberg paid the proceeds of his thirty-four bonds into the hands of Mr. Paschal.[3]

Texas v. Chiles

This case grew out of what was supposed to have been an error on the part of Chiles in the accounting for bonds which he submitted in the case of *Texas v. White.* In that case, he and his co-defendants had accounted for some fifty-one bonds, and the decree had provided for the restoration, immediately or ultimately, of these bonds or the proceeds to the complainant. There had

[3]Similar proceedings were taken to secure payment of the Stewart bonds. It appears, however, that these were paid to the clerk of the Supreme Court. This case was one of those which were unreported for a long time. It is to be found in 131 U. S., xcvii.

been, however, no specific decree against any bonds in the possession of Chiles. Texas now entered a motion in the Supreme Court for a rule on Chiles that he might be forced to give up twelve bonds which were alleged to be a part of those concerned in the transfer from the Military Board to White and Chiles. This allegation was based partly on the answer of White which had claimed that Chiles had ten bonds unaccounted for, partly on a deposition of a man named McKinley to the same effect, and partly on an affidavit of one George Taylor that Chiles had admitted to him that he had two bonds on deposit in a Kentucky bank. It was claimed by the Texas lawyers that these bonds were now subject to the order of the court. Chiles claimed that the bonds had been acquired after the service of the injunction process and even after the issuance of the decree. It must be proved, he maintained, that the bonds were among those transferred to White and Chiles.

Mr. Justice Nelson read the opinion of the court. It was held, in the first place, that the evidence derivable from the answer of White was not competent in this case. The facts, as presented by the State, were, moreover, before the court when the decree was issued. The evidence had at that time been insufficient to warrant an order against Chiles, and it was still inconclusive. The bill in the original case had limited the accounting to the bonds in the possession of the defendants to those possessed at the time of service. The motion was, therefore, denied.

In re Paschal[4]

The immediate cause of the legal proceedings in this matter was the entertainment of two motions by the Supreme Court; ultimately the causes reach farther and deeper and lead to a consideration of a factional controversy in Texas political history. The first motion was for an order that George W. Paschal pay to the clerk of the court the sum of $47,325 in gold, an amount which he was alleged to have received through the enforcement of the decree in the case of *Texas v. White* and which was properly due to the State. The second motion was for a rule removing Paschal's name from the docket as counsel in the case of *Texas v. Peabody's Executors.*

[4]10 Wallace, 483.

The accession of Edmund J. Davis as governor of Texas, in 1870, meant that the faction of the Republican party to which Paschal belonged would be thrown out of power. If the letters which passed between the two men are to be taken as authoritative evidence, it seems clear that the governor had conceived a rather violent political antipathy to Mr. Paschal. The actual break in their official relations came in the dismissal of Paschal as legal and financial representative of the State and in the appointment to that position of Thomas J. Durant. Paschal had foreseen this outcome and had written that, "As I do not belong to his wing of the Republican party, and [as] he is one of those extreme *ab initio* radicals, who believe that every official act from secession to the present day is void, it may be after his inauguration, that my control over the controversy may cease."[5] On March 25, 1870, Governor Davis, in an official communication, notified Paschal of his removal, and requested that "you will please pay over to Hon. T. J. Durant the amount of money, bonds, and coupons in your hands belonging to the State, and out of the same that gentleman is authorized to pay you a reasonable compensation for your services."[6] In case Paschal refused obedience to this order, Durant was empowered, in the name of the State, to take legal measures to compel it. Paschal refused to comply, and the case under consideration was the result. A long and at times acrimonious correspondence followed between the various parties, in which the motives of all concerned were aired with partisan frankness.

Paschal had collected from the defendants in the case of *Texas v. White* $47,325, in which sum were the proceeds from the Hardenberg bonds and those from the bonds of Birch, Murray & Company. Out of this sum, he claimed to have spent $13,356 for various expenses and costs incident to the prosecution of the case. A large part of this disbursement, according to the itemized statement which he submitted, had gone to the three lawyers who had assisted him. As he had taken none for himself, the remainder of the sum was intact. He maintained that the State, for various claims, owed him the large sum of $102,525, and that after he had deducted the

[5]Letter to Droege & Co., *Record of Cases*, 1876, 102 (Supreme Court Library).

[6]*Ibid.*, p. 31. Davis to Paschal.

amount in his possession, there would be a remainder of more than $68,556 still due him. These claims comprised several items. Paschal had been reporter of the Supreme Court of Texas during several years, and had undertaken to print his reports for the State. He had engaged to have four hundred copies of each volume of his reports printed and bound. For this service, he was to receive seven dollars for each page contained in the volume. He had printed four volumes, for which the compensation, according to the agreement, would have been $28,280. Of this amount, the State still owed him, as he insisted, $17,577. The governor refused to make a requisition for this amount, and even ordered the State Treasurer to ignore Paschal's demands. Whatever Governor Davis thought of the printing, or of the contract under which the work was accomplished, he submitted no proof of improper conduct on the part of Paschal. In his second claim, Paschal estimated his services in the *Texas v. White* case at $20,000. This estimate, Davis pronounced to be absurd and exorbitant. There had been no definite agreement between Paschal and the State authorities regarding the compensation which he was to receive. In the absence of a stipulation for a certain fee, he was, according to his own statement, to charge "as the responsibility, the expense, the time, the learning necessary, and the services should render proper."[7] Such a situation certainly rendered a latitudinous estimation of the value of his efforts probable, if not inevitable. Governor Pease had written Paschal that his compensation depended upon the action of a future legislature or upon the amount of bonds collected. When Pease visited Washington, in 1869, he made an agreement with Paschal to collect the Peabody bonds and also those in the hands of Droege & Company. For the collection of these two sets of bonds, he was to receive a compensation of 25 and 20 per cent. respectively. In pursuance of this agreement, Paschal had set about energetically to collect the bonds; and, if his opinion is accepted, had attained considerable success, when his efforts were thwarted by his removal as agent. Since the only thing which had prevented the accomplishment of his purpose had been the interference of the gov-

[7]Paschal's affidavit, record of *In re Paschal*, p. 3. (Found in *Record of Cases*, 1876, Supreme Court Library).

ernor, Paschal now claimed his full compensation, at least in regard to the Peabody bonds. Governor Davis repudiated this claim as preposterous.

This was the situation when Durant recommended that Paschal should secure counsel with whom he, as the State's agent, could treat in accordance with the instructions of the Texas authorities. Paschal obeyed this request, and employed A. G. Riddle. After long negotiations and much correspondence, Durant proposed to honor the disbursements in the case of *Texas v. White,* and to pay Paschal $5,000 for his services in that case and $2,500 for his efforts to collect the Peabody bonds. Paschal refused to accept the compromise, and the matter was taken to the Supreme Court in the form mentioned above.

As an evidence that his service had been long, disinterested, and capable, Paschal submitted for the perusal of the court the correspondence between himself and the holders of the Peabody bonds, the firm of Dabney, Morgan & Company, of New York, and, in addition, that with Droege & Company. These negotiations referred to the three hundred bonds which Swisher had carried to England in 1862.[8] It will be recalled that Peabody bought one hundred and forty-nine of these bonds. Before he had completed the payment for them, however, he endeavored to secure a return of his money by suing Droege & Company. This suit was made in the English courts, but there seems to have been no record of a decision, although a temporary injunction was granted him. On the death of Peabody, his executors, Dabney, Morgan & Company, presented the bonds for redemption by the United States. Against this payment, the Texas agent protested unavailingly. The State endeavored to return the amount of money which Peabody had spent for the bonds, but it was not accepted. Then a suit was begun in the Supreme Court against Peabody's executors. This case was pending when Paschal was removed.[9] Of the one hundred and fifty-one bonds which had remained in the hands of

[8]See THE QUARTERLY, XVIII, 349-350. for an account of the transaction and the history of Swisher's activity.

[9]The case of *Texas v. Peabody's Executors* is mentioned on page xcvii of 131 U. S. Reports. It is, however, one of the unreported cases which have been tried before the Supreme Court. The final history of the indemnity bonds belongs to the financial and fiscal history of the State of Texas.

Droege & Company, a word must be said. Paschal had promptly laid claim to the bonds, and the English firm seemed willing to compromise with the State. This compromise had been prevented by various injunction suits, such as those of Chiles and Peabody. Finally, Paschal notified the firm that, in case restitution was not made, the Supreme Court would declare the bonds useless and cancelled, and the United States would pay them to the State of Texas; and the costs to which the house had been put would, therefore, be lost. Whether moved by this threat or not, a representative of Droege & Company was eventually sent to the United States to treat with Paschal about the transfer of the bonds. The correspondence between the two indicates that an agreement had practically been reached when Paschal was peremptorily removed by the governor of Texas.

All of these facts were presented to the court as an evidence of the fidelity and constancy of Paschal's service, and little effort was made to controvert the fact or value of this service. In addition, he stated that, in case the court forced him to pay the money collected to Texas, he would have no recourse under Texas law by which his fees might be secured.

Mr. Justice Bradley read the opinion of the court. The court claimed jurisdiction of this matter by virtue of the control it was empowered to exert over its own officers and the members of its own bar. There were certain duties which a lawyer owed to his client which the court could compel him to perform without an appeal by the client to the ordinary courses of law, and, conversely, it might protect the interests of the faithful lawyer in case they were unfairly endangered. In this particular connection, it was held that an attorney, in case he collects money for a client, should pay over all sums after he had deducted the costs and the disbursements. The question in this case was: had Paschal retained the money in his hands in bad faith, and was he, in consequence, guilty of such misconduct as would justify the interference of the court? After reciting the facts in the case, the court held that Paschal had not been guilty of conduct unbecoming an attorney in his relation with his client. The claim he made to the money was in good faith, and it would be against equity to force him to yield it up since, in that case, he would be without legal recourse. As to whether he was justi-

fied in keeping it all, or in keeping any, the court considered it unnecessary to state. The Texas authorities could appeal to the ordinary channels of the law, since there was no inhibition preventing the State from suing Paschal. In substantiation of this view, the court cited the usage in England and many of the American States to prove that an attorney had a lien upon money collected for a client who has not rewarded him for his services. The retainer of Governors Hamilton and Pease had referred to the bonds indiscriminately and particularly to those of White and Chiles; so Paschal had not violated any agreement in that respect. On these grounds, the motion to force Paschal to pay over the money to the State was denied.

The second motion, praying for the removal of Paschal as attorney representing Texas was granted. Paschal had denied that the governor had the power to remove him until he was paid. He had persisted in attempting to represent Texas until he had seriously embarrassed Durant. The court held that this was a mistaken view to take of the governor's power. The State of Texas had the right to dismiss one attorney and to employ another, although the State remained responsible for and bound by contracts already entered into with the attorney then being dismissed. Whether the State in this particular case remained liable for the whole contingent fee originally promised Paschal, or for so much of it as the services were worth, or for none of it, the court declined to say. However this might have been, the State had the unquestionable right to change representatives. "The court cannot hesitate in permitting the State to appear and conduct its causes by such counsel as it shall choose to represent it." The motion was, therefore, granted.[10]

[10]According to the decision of this matter, Paschal retained possession of the bonds and moneys in his hands at the time of his dismissal by Davis. During the administration of the latter as governor of Texas, no settlement or compromise of the controversy was effected. Later, in 1874, Governor Coke was empowered to settle with Paschal for the remainder of the debt due him for printing the Supreme Court reports. See Joint Resolution No. 12, Gammel, *Laws of Texas*, VIII, 245-246.

Huntington v. Texas[11]

The cases previously considered were tried in the Supreme Court by virtue of its original jurisdiction, but that now being noticed was taken up on appeal from the District of Columbia courts. It was a suit against William S. Huntington, the cashier of the National Bank of Washington, concerning thirty-seven of the Texas indemnity bonds. Ten of these bonds, before they came into the possession of the bank, had been the property of a Mr. Haas. He had presented them to the treasury officials for redemption, and they, as in other cases, referred the bonds to the Comptroller for his opinion as to whether the department should pay them. After a favorable report had been given, Mr. Haas had secured a loan from the bank, using the bonds as security. The bonds were accepted, and the money was advanced to him. Later Haas by letter informed the treasury department of his action, and requested that the bonds be paid to Huntington as the representative of the bank, and the request was complied with. Fourteen other bonds of the thirty-seven were owned by the same man, and the circuitous process of redemption was repeated. The remaining thirteen bonds were the property of Huntington himself. In the interval between the two payments already recorded, he had purchased these bonds in good faith and for consideration. The first ten bonds had been paid before Texas had entered a protest, and when Huntington bought his bonds, there was, according to his testimony, no protest on file. When he asked for payment, however, there was a complaint from the State. He claimed that he had made the purchase on the belief that his bonds would be paid as had been those of Haas, and that he had taken the precaution to inquire whether there was a protest against such payment.

The State relied entirely upon the arguments and the decree made in the case of *Texas v. White*.[12] It was claimed that since the bonds did not bear the indorsement of the governor, the title of the State had not divested, that these bonds were a part of those which had been in the hands of White and Chiles. The defense challenged these facts, and claimed that there was no proof that

[11]16 Wallace, 402.

[12]Merrick and Durant were the attorneys for the State.

these bonds had been purchased by the original holders after maturity, nor that the transaction had been other than lawful and innocent. It was argued that the absence of the governor's signature was not proof of the fact that the bonds were a part of those once held by White and Chiles. There had been, it was contended, other bonds issued without this signature, which were then lawfully held by innocent parties.[13] The appeal had been taken on the grounds that the charge to the jury in the lower court had not left sufficient choice and discretion in deciding this point.

The opinion was delivered by Chief Justice Chase. The court, in the beginning, considered the question of the effect of the governor's indorsement, and that of the act repealing the requirement. In the latter connection, the opinion reads, "But we have held such a repealing act was absolutely void, and that the title of the State could in no case be divested." This view the court proceeded to modify to the extent that the act became legal and operative whenever the transference of bonds was made for a legitimate and innocent purpose, such as for the support of eleemosynary institutions, and not in support of the rebellion. In every case where the indorsement was lacking, the validity and legality of the alienation depended upon the legitimacy of the object and purpose of the transaction. If the purpose was lawful, the transfer was legal and the repealing act valid. With this change of interpretation in mind, the court held that the charge of the lower court was unfair in not allowing sufficient latitude in the judgment of the jury. The decision was, therefore, reversed.

Texas v. The National Bank of Washington[14]

This was a suit for the possession of nineteen bonds then in the hands of the bank and others, including the cashier, whose names appeared in the bill. It was testified by the comptroller of the treasury, Mr. Tayler, that in his opinion, based upon careful calculation from certain papers in his office, these bonds were

[13] J. H. Ashton and W. S. Cox represented Huntington.

[14] 20 Wallace, 72. This also was an appeal from the District of Columbia courts. Decided in 1873.

a part of those once in the possession of White and Chiles. This was also the opinion of Judge Paschal. These men did not, and apparently could not, say definitely, however, that they knew that the bonds had been transferred by the Military Board. The case of the State rested upon this evidence and upon the fact that the bonds were unindorsed. The defense contended that the testimony of Tayler and Paschal was mere opinion and no evidence. It was argued that the absence of the governor's indorsement was not proof of a lack of title on the part of the holder. It was clearly established that certain bonds issued to the Southern Pacific Railroad, one hundred and forty-eight in number, had not been so indorsed. The State had not been consistent in making this requirement, and some thirteen acts were cited in which the requirement was not even mentioned and apparently not observed in the execution of the acts. It was pointed out, furthermore, that no one knew definitely the numbers of the bonds delivered to White and Chiles.

The opinion of the court was delivered by Justice Miller. The case of the complainants rested upon the assumption that the bonds had once been in the hands of White and Chiles, thus having all the taint attendant upon that fact. In the face of the denial of the accuracy of this allegation by the defendants, the court held that Texas must establish it beyond doubt. The court considered that the evidence adduced to prove this contention was of a very unsatisfactory sort, and altogether incompetent for the purpose. "In short," it was said, "the testimony on this branch of the subject is an absolute failure."[15]

The opinion of the court presented a very interesting and tremendously illuminating treatment of the legal effect of the governor's indorsement. Speaking of the entire controversy on this point and of the view taken by Chief Justice Chase, the court said,

> It is true that in the first of these cases the eminent judge who delivered the opinion, in addition to deciding that bonds were overdue when delivered to White and Chiles, and for that reason subject to an inquiry as to the manner in which they had obtained possession of them, gave an additional reason why defendants could not hold them as *bona fide* purchasers, that they had not been indorsed by the governor as was required by the statute

[15]20 Wallace, 82.

of the State of Texas. . . . All of this, however, was unnecessary to the decision of that case, and the soundness of the proposition may be doubted.

The celerity with which the finding of the lower court was reversed very clearly demonstrated that the "proposition" was no longer considered sound. This was a frank admission that Chief Justice Chase had been in error in assigning so much force to the statutory requirement of the governor's signature.

The court held that the opinion in the case of *Huntington v. Texas* governed this controversy. The modification of the earlier views was reaffirmed by the court, and on these grounds the case was reversed and directions were given for the dismissal of the bill.

In an opinion of considerable length and great power of reasoning, Justice Swayne concurred in the decision, but submitted reasons slightly different from those of the majority. He went much farther than the court regarding the effect of the act repealing the requirement of the indorsement of the governor. This act, he said, was an ordinary piece of legislation. "If it had in view the promotion of the rebel cause, it was too remote from that end, and its tendency too indirect to render it fatally liable to that objection. The repeal put an end to the restriction." He went on to say that the original law had no legal effect upon the title of the *bona fide* holder.

In re Chiles[16]

This matter was the result of the introduction of a motion in the Supreme Court for a rule on Chiles to show cause why he should not be adjudged guilty of contempt of court for having violated the decree in the case of *Texas v. White*. The decree, it will be remembered, had enjoined the defendants from setting any claim to the bonds mentioned in the bill in that suit. It will also be recalled that there were two sets of bonds mentioned in the original bill, namely, those actually turned over to White and Chiles by the Military Board, and those which were in England in the possession of the firm of Droege & Company. Of this last group, the bill had referred to the seventy-six bonds which were

[16]22 Wallace, 157.

sold to White and Chiles according to the contract. Chiles had not relinquished his claim to these bonds although it seemed to have been invalidated by the decision in *Texas v. White*. He had, at several times, notified Droege & Company of his ownership, and had stated his intention of reclaiming them by legal measures in the English courts. Finally, on July 17, 1874, he wrote to this firm, repeating the statement of his right to the seventy-six bonds, and asserting his intention of instituting an injunction suit to prevent the disposal of them to any other party. When this letter became known, the Texas agent appeared before the Supreme Court and made the motion already noticed. In answer to the charges therein preferred against him, Chiles admitted that he had made the claim of ownership, and stated, furthermore, that he intended to secure his rights by legal measures. He denied, however, that he was guilty of any contempt of court, or that he was endeavoring to nullify and thwart the injunction imposed upon him by the court in the earlier case. On the contrary, he maintained that his assertion of right to the bonds was based upon grounds other than those denounced in the decree. His present claim was founded on a contract made with the Military Board on March 4, 1865,—a contract which was separate and distinct from that made previously to which White and Chiles had been parties on one side. In the later contract, Chiles had not been associated with White. The decree had annulled the contract between the board and White and Chiles, but it had had no effect upon the later one, for the court could not impeach a contract which had not been mentioned in the bill. The second contract, moreover, was not operative until the first had been vacated or annulled; the decree having declared the first contract void, the other became effective. As to the idea that Chiles was in contempt of court, the defense argued that the law of injunctions was not framed to prevent a person from claiming property either orally or in writing. The decree in *Texas v. White* had called the contract of March 4th, which had hitherto been in abeyance, into active life, and Chiles had made known his rights under it,—a fact which had no necessary bearing upon the decree. It was then denied that the court had the right to pass upon money or bonds held by a foreign subject and located in a foreign country.

Messrs. Merrick and Durant for the complainant charged that Chiles was striving to overthrow the decision in *Texas v. White,* that he was preventing the State from deriving the just benefits of that victory, and that he was violating the decree. They demanded that the court should order Chiles to cease his illegal practices, and that he should be constrained to convey to the State in writing whatever claim he might have to the bonds.

Mr. Justice Miller delivered the opinion of the court. "It would be to trifle," said the justice, "with the court to make a proceeding in equity, designed to give full and final relief, and to administer complete justice, to depend upon the skill and jugglery by which a defendant might conceal some part of his defense to that suit until it was decided against him, and set it up as an excuse for disobeying the final decree of the court, or hold it out as the basis of another suit for the title and possession of the same bonds." The existence of a new contract was, therefore, an unsubstantial basis for the claim.

The court held that the decree was plain. It had declared the contract conveying the bonds to White and Chiles void, and had enjoined them from setting up *any* claim to the bonds mentioned. The assertion of claim was not limited to legal action, and, consequently, Chiles was again in error. The court, therefore, declined to be governed by the fine distinctions which the counsel for Chiles had sought to draw from the law of injunctions. The decree was intended to prevent any further interference with the rights of Texas and any obstruction to the recovery of the bonds specified in the bill.

The court decided that the holders of bonds in the United States could be forced to restore them to the State of Texas, but this was as far as the court's assistance could extend. The court could enjoin a domestic holder from setting up a claim to bonds deposited in a foreign country. This Chiles, in defiance of the spirit and intent of the decree, had done, and the court considered him to be in contempt of its authority. For this offense, he was fined $250 and costs. The court declined to order him to make over his claim to the State of Texas.[17]

[17]This is one of the most famous contempt cases, and has been cited repeatedly for precedent. For another interesting case arising out of the controversy over the Texas indemnity bonds and in which Chiles was in-

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volved, see 21 Wallace, 488. The Supreme Court later, in the interesting case of *United States v. Morgan* (*Morgan and Another v. United States; United States v. Manhattan Savings Institute; von Hoffman and Another v. United States*) had occasion to review some of the leading points of law involved in *Texas v. White* and the other cases mentioned in this chapter. See 113 U. S., 476-506.

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EARLY PRESBYTERIANISM IN TEXAS AS SEEN BY REV. JAMES WESTON MILLER, D. D.

ROBERT FINNEY MILLER, M. D.

My father, the Rev. Dr. James Weston Miller, came to Texas in December, 1844, as a missionary of the Presbyterian church to the First Presbyterian Church of Houston. He arrived at Houston on the steamer *Captain Wood,* having come by boat down the Ohio from Steubenville, and down the Mississippi to New Orleans, then by water to Galveston and Harrisburg. He was born in Erie County, Pennsylvania, on French Creek, near Mill Village, November 15, 1815, the eldest of nine children of Jeremiah and Elizabeth Weston Miller, and was christened James Weston for his maternal grandfather, Esquire James Weston, a descendant of the Westons of Duxbury and Plymouth, Massachusetts. James Weston Miller's family were pioneers in northwestern Pennsylvania. His grandfather, Stephen Miller, came early to Erie County and settled at Waterford.

James Weston Miller began his education in the old log school houses of Erie County, and studied night after night by the blaze of a pine knot. He later entered Waterford Academy, six miles away, and walked the distance to and fro for some years. In 1835 he finished the academy course and won a scholarship which gave him two years free at Jefferson College, Canonsburg, Pennsylvania. At the end of his sophomore year he was out of funds, so returned to Waterford Academy as principal during 1837-38. Returning to Jefferson in 1838 he graduated in 1840. There were forty-two graduates that year, and he took first honors and the valedictory September 14, 1840. For the next year he was assistant to Rev. Dr. Mathew Brown, President of Jefferson College. In the fall of 1841 he accepted the principalship of the Grove Academy at Steubenville, Ohio, for a year, and here began the lifelong friendship with Dr. C. C. Beatty, President of the Steubenville Female Seminary. Dr. Beatty was one of the greatest Presbyterian divines of his day. After a year at the Grove Academy, Miller entered the theological seminary at Allegheny, Pennsylvania, to prepare for the ministry. Here he graduated in

1844, was licensed to preach by the Presbytery of Washington, and left the same year for Houston as a missionary. It had been arranged that Dr. Beatty should follow him and that they should devote their united lives to the upbuilding of Presbyterianism in the Republic of Texas. But Dr. Beatty remained at Steubenville and spent a life of great usefulness in the Female Seminary.

Rev. James Weston Miller was twenty-nine years of age when he arrived in Houston. His field of labor is thus described in his diary:

Monday, 30th December, 1844. I pen a few statistics for after reference respecting this prospective scene of my labors in the ministry. The Presbyterian Church has thirteen members; place much altered in regard to religion. People always ready to attend preaching, always attentive, respectful, polite, kind and confiding whenever met. Thick forests are in the neighborhood. The howling of the wolf is often heard. The Methodist and Episcopal Churches each number about thirty whites, and the Methodist Church about thirty colored members. The place looks old, houses generally unpainted and as if built in a hurry and soon to be left. In this respect, however, improving. Weeds seem to have overrun the whole town during the last summer. Business improving. Navigation to Galveston much impeded by northers and little water in the bayou. Weather very dry and rather cold usually. Am boarding at Dr. Cones.'

The young minister zealously took up his work. His diary says:

May 18, 1845. Preached both morning and evening. General Sam Houston, President of the Texas Republic, and wife attended both services. May the Lord come and take away his and others' madness.

"Left July 1, 1845, for the North; gone eight months and collected $1344 for the church on this trip." His failing health is often bemoaned, but he adopted as his motto "Better wear out than rust out." While he was away collecting money to finish the church, Texas became a State. The church was finished in 1846, and they no longer were forced to use the Capitol for services. By March 21, 1847, the church had become self-supporting, and the young missionary was installed as pastor of the First Presbyterian Church of Houston—the first installation in Texas. The

pastor needed an helpmeet, so, late in the summer, he went North to claim as his bride Elizabeth A. McKennan, an orphan, who lived with her grandfather, Galbraith Stewart, at West Middletown, Pennsylvania. She had graduated at Steubenville Seminary in 1844, and it was again the guiding hand of Dr. Beatty that sent the young minister to meet Elizabeth McKennan. After visiting her people and his, the young couple left by boat for Houston. They were received cordially, and the young bride, of great beauty of heart and person, aided her husband to build up Zion. In 1848 their first son came to bless the union, and was christened Thomas McCall for the mother's uncle.

Houston was not an healthful place, and the faithful pastor was often too sick to attend to his duties. He lost so much flesh that in 1850 his early death from consumption was presaged, and he was advised to try life in a higher climate. He went at once to Gay Hill, Washington County, finished the old Miller Home there of cedar logs, and became pastor of Prospect Church, the second one organized in Texas by the Rev. Hugh Wilson, in February, 1839. This neighborhood is now an historic one. It soon became a center of refinement and culture. There is no more beautiful pastoral scene in Texas than this old place. Situated on high ground, surrounded by aged live oak trees draped with beautiful moss, and with unsurpassed views in every direction, the appeal to an inborn love of nature was overwhelming to the young preacher. Sorrow came to him early, for his young wife died suddenly in their new home, leaving the father with an infant son of three days and a boy two years of age. This was a crushing blow, but the bereft husband looked upon it as the hand of God, and took up his burden single handed. The death of his first wife delayed the opening of Live Oak Female Seminary from 1850 to February, 1853, as shown by a letter written by Miller July 1, 1850, to his wife's aunt. Kind neighbors, the family of Rev. Hugh Wilson, who lived on an adjacent farm, and others cared for his two little ones while he went about preaching the gospel and drawing around him families of great worth. In 1852 he married the first cousin and chum of his first wife, Elizabeth Scott Stewart, from near Bethany College, Brooke County, West Virginia. Together in the old home, near Gay Hill, in 1853, they opened Live Oak Female Seminary, the first Presbyterian

female school in Texas. It was conducted for twenty-five years, till the death of Dr. Miller in 1888. Many of his first pupils came from his old church in Houston, among them Matilda Burke, the mother of Col. E. B. Cushing, President of the Board of Trustees of the Agricultural and Mechanical College of Texas, the Conklins and many others. Around the seminary, settled on farms, were makers of Texas history. The first three judges of the supreme court of Texas, Lipscomb, Wheeler, and Hemphill, were all patrons of the school. Lucy Lipscomb, Betty Lipscomb, Emily Wheeler, and Elizabeth Hemphill received their education there. Judge R. E. B. Baylor bought a farm across the road from the seminary, and there lived and died. He was a bachelor, but his nieces and grand nieces who lived with him studied at Live Oak Seminary. For Judge Baylor were named both Baylor University and Baylor Female College. These schools were then at Independence, five miles east, but in plain view from my father's home. Thither came also Judge Gillespie, his wife and daughter, Mary, and her husband, General John Sayles, author of Sayles' *Pleadings* and many other law books. The Sayles home still stands, and is occupied by the family of a son, Barry Gillespie Sayles, who married Emily Clarissa, youngest daughter of Rev. Dr. Miller. General Sayles, while living here, was preceptor of Judge T. J. Brown, late Chief Justice of the Supreme Court of Texas.

Miss Rebecca K. Stewart, sister of Mrs. Miller, became the lady principal of the Seminary in 1853. In 1854, she married Dr. George C. Red, but continued as principal until 1875, when she went to Austin and opened Stuart Seminary. She was cultured, refined and a wonderful teacher. Her son, Dr. Samuel Clark Red of Houston, was the first Arts Graduate of the University of Texas. Dr. George C. Red's oldest sister was the mother of Hon. T. S. Henderson of Cameron, long a Regent of the University of Texas. Many other families, wealthy and distinguished, settled there. Mr. Thomas Affleck, who had a most wonderful house and library and more than one hundred slaves, Captain Chriesman, surveyor-general for Stephen F. Austin's colony, and grandfather of Messrs. Rector, Thaddeus and Oliver Thomson, of Austin. From Brenham came Louise and Annie Giddings; the latter was the daughter of a pioneer

Texan killed by the Indians near San Antonio. She married J. N. Brown, President of the Alamo National Bank, and is the mother of Clinton Giddings Brown, Mayor of San Antonio. It is impossible to estimate the influence of one man on education and Presbyterianism in Texas, but when it is remembered that J. W. Miller was the first Presbyterian minister installed in Texas, and that over the church in Houston he preached often to such men as General Sam Houston; that he moved to Washington County and gave the gospel many times to lawgivers gathered in Old Washington, also the capital for a time; that he conducted for twenty-five years the first Presbyterian School for girls in Texas, with a patronage from all points in the State; that he was for the first twenty-five years of the original Board of Trustees of Austin College (twice elected its President also, but declined because of his own school); twice Moderator of the Synod of Texas, and by request preached the silver anniversary sermon for the Synod in 1876 at Dallas; many times a delegate to the General Assembly of his church,—all this gives but a faint idea of the church's appreciation of his intellect and labors for Presbyterianism. He was beloved far and wide, and counted such men as John H. Reagan his firm friends. His removal to Washington County seemed to give him renewed energy, and he was able to respond to many calls far and near to preach the gospel, christen the infants, marry the young, and bury the dead. His marriage ceremony was never perfunctory but embraced some appropriate poetry, and his burial services were never harrowing but always a comfort to the bereaved family. He believed that the dead had settled their own accounts with Heaven, and salvation for the living was the only thing to be accomplished. I fear that he had little faith in death-bed repentance, or as my brother calls it "Taking out Fire Insurance" just before death. He preached often that "Today is the day of Salvation." My father was never ascetic,—he loved to tell or listen to a good story and it did not have to be the daintiest, and if it included hell and damnation he put in the word. He was much interested in all farm work, and yearly took prizes at fairs on his fruits, honey, sheep and other animals. Hunting, fishing and "bee lining" were his greatest diversions and it was a poor day for sport if he did not get results for his efforts. He would hunt deer at night with a lan-

tern on his head, called fire-hunting and would do "still hunting" by day, but never hunted deer with hounds. The latter he considered unfair sport. He often told as a joke on himself about one fire-hunting trip when he shot at a pair of eyes reflecting his light, brought down the game and was horrified at finding the game to be a neighbor's old belled mare. He went early the next morning to pay the neighbor for the damage and was rejoiced to see the same animal with her head buried in the feed trough, and seemingly none the worse for the shooting. Both my father and mother were great lovers of children and always had time to devote to the young of their flock, cuddle the babies, and give goodies to the children of maturer years. He would take the babies on his lap and often put them to sleep to the tune of "Rock-a-bye Baby in the Tree Top" or "Bye Baby Bunting, Daddy's Gone a-Hunting." Still he did not allow the children to occupy the center of the stage and often admonished us with "children should be seen and not heard." He hated gossip and small talk and frequently called a halt upon our glib tongues with, "Talk about things and not persons." If he was not fearless we never knew it. Once when one of his pupils ran away from school and married a worthless fellow, the groom's family came armed to demand the bride's effects. He recognized with sadness that the false step could not be righted, so met the armed men open handed with the query, "Did you come with your guns to shoot tumble-bugs?" Again one of the pupils was detected as a thief, she was sent home from school in disgrace and father met the armed male members of the family at the gate and was so firm in his position that they were convinced of the wrong and gave up hope of ever having the girl reinstated. He was a chaplain to General T. N. Waul's "Texas Legion." He believed firmly in the motto "Be sure you're right, then go ahead." He was deliberate in all matters and hence avoided making many errors. He was always a friend of the old negroes of the community, kept benches for them at the rear of his church and gave them land for their Methodist and Baptist churches and graveyards. He often performed marriage ceremonies for the blacks, a source of great amusement to our family. The fee was usually $1.00. They would be taken into the parlor, and one of my sisters would lend music's spell to the proceedings and the antics of the negroes

would furnish an hour of real pleasure to all of us. The tendency to general kissing of the bride and groom by all the attending blacks was a feature and the admonitions of my father would be eagerly attended. Once he preached to the negroes upon the text "Thou shalt not steal" and made the plea so vivid and punishment so certain that for days the negroes were very busy returning or confessing to small breaches of this commandment.

He was never a prohibitionist, but rather tended to the other side. Each fall he would make a barrel or more of mustang grape wine which was famous over Texas. This wine he dispensed from the cold stone milkhouse in pitchers to all the family and guests and sent bottles far and near for the sick and debilitated. He believed that dancing was fine exercise and tended to improve the female graces and make his pupils "polished after the similitude of a Pallas." So every Friday night the girls had a dance, which mother and father usually attended with any guests of the school. There were not men enough, so several of the girls would tie a handkerchief around their left arms and lead the dances. Sometimes they would have a costume dance and some of the girls would appear in their brothers' suits and even in some of my father's and thus add to the merriment. Usually the dance music was a piano played in turn by musicians, but sometimes a negro fiddler played, and often the girls played on their banjos, violins and guitars. Often at noon the girls would dance under the shade of the beautiful live oak trees to the piano played in the parlor. More interesting to me in childhood were a pair of beautiful twin girls, Rainey and Belle Bethany, who each played charmingly on an accordeon, and while they furnished dance music for the others, danced together to their own music. Another sweet memory of early childhood is of "Aunt Polly" Lipscomb, widow of Judge Abner Lipscomb, a first Justice of Texas' Supreme Court, when she was probably about eighty-two, wan, small, and bowed with age, seated at an old piano playing with great zest dance music for the girls. She was a veritable wraith, but a lady of great piety and a valued member of my father's church for years, still believing in the joys of youth. Her husband believed in immersion, so my father yielded to his request and "buried him in baptism"—the only time he ever departed from the prescribed Presbyterian method of sprinkling.

In his description of Washington County, DeCordova refers to its educational opportunities in the following words:

There are two literary institutions of high character in this county, viz: Live Oak Female Seminary, Gay Hill, Texas. This institution is in the country, remote from all the temptations of a village or city, healthy and beautiful in location, and surrounded by one of the best neighborhoods in the State. The location was chosen and fitted up by the Superintendent especially for a permanent female school.

The sixth year will commence the first Monday of February next.

Rev. J. W. Miller, Superintendent.

Mrs. R. K. Red, Principal.

Mr. Joiner, Teacher of Music, etc.

Mr. M. Gerard, Drawing, etc.

Terms: For board, lodging, washing, light and fuel, per month, $12. Tuition, according to studies, $2 to $4. Drawing, painting and embroidery, extra, $5.

Half of all sessional bills in advance, and the balance before the young lady is taken away. Strict compliance will secure the parties a deduction of 5 per cent., and non-compliance an addition of 10 per cent. upon the whole bill.

Baylor University

Is located at Independence, a beautiful and quiet village in Washington County, on the great stage road from Houston and San Augustine to the City of Austin. The citizens of Independence and the immediate vicinity are unsurpassed in the State for intelligence, and moral and religious worth. The refined society, splendid landscapes and beautiful live-oak groves all combine to make Independence an eligible point for a great literary institution."[1] The University was chartered in 1845 by the Republic of Texas.

Rev. Rufus C. Burleson, A. M., President and Professor of Moral and Intellectual Philosophy and the Spanish Language and Literature.

Dr. David R. Wallace, A. M., Professor of Natural Science, French Language and Literature.

Gilbert L. Morgan, A. B., Professor of Mathematics.

Stephen D. Rowe, A. B., Professor of Ancient Languages and Literature.

James L. Smith, Principal of the Preparatory Department.[2]

[1] *Texas: Her Resources and Her Public Men.* Philadelphia, 1858, pp. 217, 218.

[2] *Ibid.*, 285.

Let me add here that there was always the warmest friendship between the two schools, the brothers went to Baylor while their sisters were students at Live Oak Seminary. In my childhood, Rev. Dr. Wm. Carey Crane, President of Baylor University, and Rev. Dr. J. H. Luther, President of Baylor Female College, preached often at the Baptist Church near our home and came time and again as honored guests in our house.

Of Walker County and Huntsville, De Cordova says:

Austin College [now at Sherman]. The prosperity of this college is looked forward to with much anxiety by the friends of education throughout the State. They have already erected, on a commanding eminence, a beautiful building, have obtained the services of able professors, laid the foundation of a good library, and procured chemical and philosophical apparatus, and placed the institution under the direction of an enlightened and efficient board of trustees, who appear determined to make it an ornament to the town and a credit to the State. The students number now over a hundred, and, from the high reputation that this college has deservedly obtained, there is no doubt that it will receive an increased patronage. . . .

Board of Trustees: Rev. Daniel Baker, D. D., Ex officio President, Rev. J. W. Miller, Rev. R. H. Byers, Hon. Sam Houston, Judge A. S. Lipscomb, James A. Baker, Esq., A. J. Burke, Esq. (afterwards Mayor of Houston).

Faculty of five in Academic Department. Hon. Royal T. Wheeler (a Supreme Court Judge) was chosen Professor of Law in this college in 1858.

The Austin College Quarterly in its semicentennial number of October, 1902, speaks thus of Rev. J. W. Miller, D. D.

Official Roster—Trustees 1850: Daniel Baker, J. W. Miller, G. C. Red, Henderson Yoakum, Sam Houston, Hugh Wilson, A. J. Burke, R. Smither, J. Branch, J. C. Smith, J. Hume.

Anent the establishment of Austin College the same says:

The next meeting of Presbytery was held at Washington (old capital) June 21, 1849. At this time action concerning a location at Goliad was rescinded, owing to its being so far West. A committee consisting of Daniel Baker, J. W. Miller and Blair was appointed to select a central location for a college. This committee reported to a called meeting held at Prospect Church [where the Miller Home now is] Oct. 13, 1849, recommending Huntsville. The report was adopted, a charter was drawn up, a board of trustees selected, and a principal teacher secured. When

the time came for the selection of a name, the name of Daniel Baker was suggested. He declined the honor and the name of Stephen F. Austin was chosen, the college became "Austin College." A committee consisting of Rev. J. W. Miller and Elders D. D. Atchison and S. D. C. Abbott was appointed to secure the legislature's approval of the charter. (They rode horseback to Austin to obtain this.) The charter was signed by Gov. Wood on the 22nd day of November, 1849. . . . Rev. J. W. Miller occupied a very prominent position among those who laid the foundation of the college.[3] . . . Presbyterianism in Texas owes much to Dr. and Mrs. Miller and his co-laborers, Dr. and Mrs. Red, who for forty years conducted the only Presbyterian school for girls in the State. In 1857 Dr. Miller, of honored fame, was elected President, but did not see his way clear to accept on account of Live Oak Seminary. He was always a staunch supporter of the College, and one on whose advice Daniel Baker relied.

[Austin College conferred the Degree of Doctor of Divinity upon him in 1873.]

Rev. J. W. Miller was active in the organization of the Synod of Texas at Austin, October 30, 1851, and was the first Stated Clerk. He was elected Moderator at Huntsville, November 4, 1858, and at Dallas, November 1, 1876, the latter the silver anniversary of the Synod, when Dr. Miller preached the anniversary sermon.[4]

At the twenty-fifth anniversary of the Synod of Texas, in November, 1876, at Dallas, my father, then the only living minister of its charter members, preached the sermon, which is so filled with the history of Presbyterianism in Texas that it is here published in full.

"God requireth that which is past."

We are to sketch the rise and progress of Presbyterianism in Texas.

We must begin with Brazos Presbytery, the mother of Presbyteries and the synod. B. Chase of Natchez, W. L. McCalla, Jno. Breckenridge and others had early visited Texas, seen its wants

[3]Rev. Dr. Samuel A. King, Professor Emeritus of Theology in the Presbyterian Seminary at Austin, tells me that Daniel Baker was always considered the founder of Austin College and J. W. Miller the father of the college.

[4]This sermon contains an historical résumé of Presbyterianism in Texas, and is printed in full in the writer's volume, *A Family of Millers and Stewarts*, 16-18. The original manuscript is in the writer's possession.

and prospects. On suggestion of these brethren the Committee of Missions of the synod of Mississippi requested Revs. Hugh Wilson and W. C. Blair, former missionaries among the Choctaw Indians, to go to Texas. Promptly they responded to the call. Promised a support by the committee, Wilson started for the new field in 1838, Blair in 1840. On the way Wilson reached San Augustine and organized the first Presbyterian Church in Texas, May, 1838. The next year Wilson moved on to Washington County and organized the second Presbyterian Church, near Independence, now called Prospect.

About the same time W. Y. Allen and Jno. McCullough came into the Republic and organized churches at Houston, Galveston and Austin. P. H. Fullenwider had been in the State some time, as early as 1834. The General Assembly and the Synod of Mississippi directed these brethren to organize a Presbytery. April 3d, 1840, Hugh Wilson, Jno. McCullough and W. Y. Allen came together at Chriesman's Settlement Prospect Church. . . . A sermon was preached by Mr. Allen from Psalms, 122 chapter, 6th verse: "Pray for the peace of Jerusalem." A paper reciting the history of the case, professing faith in the Holy Scriptures and solemn adoption of the Confession of Faith and form of government of the Presbyterian Church of the U. S. A. was signed by the ministers and Jno. McFarland, ruling elder. McCullough was then chosen moderator, and W. Y. Allen, clerk. Blair was not there. He had started in full time to ride from Victoria, alone, on horseback, but, detained by high waters, he finally appeared on the ground two weeks too late. Daniel Baker was there and preached the sermon in which he told the story of the "Devil's turning fisherman and catching sinners with a naked hook." Capt. Chriesman, Stephen F. Austin's surveyor, quits his swearing and as I am writing this, calls upon me to tell me of that sermon being blessed to his conversion. Baker was a corresponding member and welcomed by the little band.

The old log schoolhouse where the Presbytery met has disappeared, a neat Presbyterian Church is near its site and a prosperous (Live Oak) female seminary has there been in existence for 23 years. The mound is near, but its sides are covered with cotton and corn instead of wild flowers, then so thick and beautiful that McCullough said that he rolled over them then as a soft bed, with intense delight. Chriesman's Settlement was for many years a meeting place for the little band. Wilson lived there. He always had a beef or a fat mutton and it was surprising how many his log house could entertain. Laymen and their families came 20 and 30 miles to these meetings and stayed for days. A blanket was a bed, and a live oak was a shelter. Plain food was

abundant. Such meetings, too large for any house, with such preachers as Wilson and Baker, were often held under the trees and greatly blessed. But they did not suit manuscript sermons very well, for while getting along with the thirdly the fourthly might take wing in the wind.

With Presbytery organized, what was to be done with it? Should it make application to the Synod of Mississippi? Two of its members, Blair and Fullenwider, were of that Synod. Wilson and Blair were her missionaries, and depended for support of their large families upon their promised salaries. But the General Assembly had just then rent asunder. The Synod was too remote to attend it. It required weeks and a heavy purse to go to its meetings. Texas was still a Republic and foreign to the "old States." England and France had missionaries in Texas offering most advantageous terms if she would remain alone. So the Presbytery decided for the present to be independent. The result was that Blair and Wilson were cut off from their salaries from the day of such action. Wilson never complained, but it was hard. Six months passed before he knew that his salary was stopped. He had sold his road wagon for corn to feed his family, put the corn "in a crib with his jersey wagon on its side for shelter," and hired an Irishman to husk corn. The day was cold and a fire was kindled and left burning during the dinner hour. The crib, corn and wagon were burned. He must turn teacher and farmer or his family will starve. But preach he did, far and near. No Presbyterian minister deserves to be more gratefully remembered. Blair, too, toiled and suffered privations. Indians swept down the Guadalupe valley, Linnville was burned and Victoria menaced. The place could not be defended and was deserted. Mrs. Blair laid upon a green cowhide with a three-day old baby, was dragged three miles and escaped. The Presbytery resolved itself into a missionary society. Each minister agreed to pay annually $10 into the treasury for missionary funds. Poor brethren! They never paid it, because they could not. Sometimes a letter lay in the postoffice for months because 45 cents was not on hand to pay the postage. The little Presbytery named itself Brazos from the river whose rich valley was in sight. It claimed a broad field, all over Texas, then more than 300,000 square miles. No wonder that it leaned to independence! After sitting five days doing an amount of business which fills 28 pages of its minutes, it adjourned to meet November 5th of the same year. Two ministers and one elder got there after riding a long journey on horseback. No quorum. The ministers adjourned to meet at Independence in December. Then and there the same members met and proceeded to adjourn to Chriesman's Settlement

for regular business. It received Rev. F. Rutherford as a member, but he went to a higher court before he took his seat. He had stepped upon a nail and died of lockjaw. No meeting then till December 13, 1843. Many attempts, but no quorum. It rained for eighteen months, and mud and swollen streams stopped long journeys. War with Indians and Mexico interfered with everything. In 1843, at the call of the Moderator, Wilson, McCullough and Elder McFarland met again at Prospect Church. No quorum. Blair arrives, assents to articles of organization, becomes a member and makes a quorum. Though a called meeting, they proceed to regular business. They were strict constitutionalists, but work must be done and no Synod would cashier them. W. Y. Allen is gone, but Blair and S. J. Henderson are now received and four ministers are on her roll, with seven churches and 100 communicants. April 4, 1844, Presbytery held its next meeting at Columbia. All of its members are present and a new one received, Rev. P. H. Fullenwider.

He had been, and long continued to be, a real ranger. No more punctual attendant upon Presbytery than he. His old horse and himself were equal to any emergency. Cold lunch, blanket, saddlebags and grass for his horse were all that he asked. All day he would jog on and at night would sleep where he could, under a tree or a roof. "Here," was his reply when his name was called. His heart was big and his wants were few. I saw him first in April, 1847, at his own home. I was yet "green from the States." After riding three days to Presbytery, Henderson, Paxton and myself reached his house, a log cabin in the woods. Brother Fullenwider was from home. I was anxious to know how three preachers were to find food and lodging in that little pen. Sitting, watching the sun going down till I could stand it no longer, I went to higher ground to see if any other house was near. I saw, coming up to me, a man without hat or coat, on a mustang, with a huge sack before him, full of unshucked corn. It was Fullenwider. Compliments passed. I asked where we were to stay. "Bless you! here, this corn is for horses and come, see what the neighbors have sent for you to eat." He led me to a little outhouse and pointed to the walls hung with plump, ball-spiced, nicely dressed wild turkeys and a large churn filled full of eggs. . . .

The church and the school must be in this young land. Thus, early in 1844, this Presbytery advised that each minister preach upon "Education," try to raise funds for a college and report progress at the next meeting.

They appointed a committee to draw up plans and a charter for a literary institution, to be located on the Guadalupe River or its tributaries. After licensing its first licentiate, J. D. Sharpe, it

adjourned to meet at Victoria, April, 1845. There and then I became a member. After regular business was done, and the Sabbath was over, Presbytery resolved itself into "a committee of the whole" to examine the beautiful valley of the river and fix the location of a colony and a college.

Time would fail to tell of the adventures of that moving Presbytery, its hopes and disappointments, till finally the original plan as to location in the west was given up in favor of Huntsville. I learned upon that trip how hard it could rain, and how creeks dry yesterday could today become swollen torrents of water, which you could neither cross nor see across. I learned why Blair was two weeks behind when Presbytery was organized. I experienced the convenience of a hog trough with puncheons lashed upon the sides so that you might have dry clothes when you swam, at mid night, a swollen stream an hundred yards wide, its waters cold, its alligators in motion and its mosquitoes like Egypt's darkness that could be felt! This was the last meeting of the independent Presbytery. Connection with Synod was sought and consummated that year. Annexation takes place with its joys and sorrows. The old minute book, that never went to Synod for review, closes its record with a statistical report of eight ministers, one licentiate, 12 churches and 200 communicants. Of these eight ministers, one now remains on earth, "a seared leaf," ready to fall. Thenceforth there is more rapid enlargement. War passes out of Texas, and ends with the humiliation of Mexico. Population and ministers come. Slow, but steady progress. Yet, till 1848, never more than five, oftener three, and oftener still no quorum, could be gotten together for a meeting.

At the fall meeting of 1847 occurred the first installation of J. W. Miller, pastor over the Church of Houston. Statistical report for 1848 shows 10 ministers, 12 churches and 335 members. At a called meeting at Washington, June, 1849, Baker, Miller and Blair were appointed a committee to examine the territory between the Brazos and Trinity Rivers for a college location. At another called meeting at Prospect Church the same year this committee reported recommending Huntsville. Their report was adopted, a charter drawn up, the institution named, a board of trustees elected and a principal teacher secured.

At the next spring meeting at Huntsville, April 4, 1850, the Board organized, chose a site for its buildings and sent forth its agent, Daniel Baker, D. D. Well he plied his mission. In a few years a fine building was completed, a 100 students matriculated, a full faculty employed, and chairs endowed. But it labored under what was to belong to all such institutions in Texas, a disposition to grow too rapidly. . . .

At the fall meeting of 1850 the Synod of Mississippi was petitioned to divide by the lines of the Trinity and the Colorado Rivers, the Presbytery into three bodies, and sent a special delegate to prosecute the object. This delegate, McCullough, the only one who ever went to that Synod, reported at the next meeting the Presbytery divided.

Thereupon a petition was made out to the General Assembly to erect a Synod, composed of the three Presbyteries—Brazos, Eastern Texas and Western Texas. The request was granted, and the Presbyteries met at Austin, October 30, 1851.

The following letters were found among my father's papers and are published here for the first time, as they show something of the lives of several of the founders of Presbyterianism in Texas, and illustrate phases of the early history of Austin College. It is known that Rev. Hugh Wilson organized the first Presbyterian Church near San Augustine in 1838 and the Prospect Church, over which Rev. J. W. Miller was pastor for thirty-eight years, was the second, organized by Wilson, in 1839.

Hugh Wilson to Miller

String Prairie March 4 1856

Dear Brother

In the holy providence of God I am called to the painful duty of informing you of the death of my *dear wife*. Sabbath morning she ate breakfast with us as usual. At nine o'clock she declined going to sabbath school saying that her throat was sore. During the afternoon and early part of the night she still made more complaint. At 10 o'clock we thought it best to send for a physician. Before 11 o'clock it seemed as if she would die immediately but we succeeded in affording her temporary relief. Dr. Christian got here at one o'clock but before he arrived the disease had resumed its raging verulence. About 4 o'clock Monday morning she was mercifully released from the most extreme suffering. She retained the exercise of reason till her last breath but from the nature of her disease she could have but little deliberate thought. Early in the night she said she could not live, I told her it was evident she could not without speedy relief but still we hoped a blister we had applied might afford relief. Under these circumstances she expressed unwavering confidence in her prospects of future happiness and even a wish if it was the will of God to die.

Yesterday our whole neighborhood and a number of persons from String Prairie were with us at the burial. We had three

ministerial brethren of the Methodist Church with us. Thus suddenly has terminated an intimacy of more than fifty years standing, for when a boy of twelve years old I loved her with my whole soul. To us none of all the changes of this eventful period, no nor all put together, have any importance compared with the consequences arising from this long and happy connection. I feel thankful that I am the remaining sufferer. I have often expressed to her and to others a desire that I might be allowed to bury her. Providence has granted me this request. Were it not for the promise as thy day is so shall thy strength be, which I have so often found verified in my experience I should feel that poor Mary and myself have a gloomy prospect. May we not expect a special interest in your prayers and in the prayers of the christian friends of your neighbourhood who knew and loved my dear departed wife.

Young King, who preached for us yesterday, requested permission to publish the death of Mrs. Wilson in the Methodist Paper. Of course I could not object to it. If our Brother at Houston still keeps up his paper he will think it unkind in me that I did not ask the favour of him. I will give you a few items which you may use or not as you think best and ask that you will make out a short notice of her death and forward it to him with a request that he will publish it, letting him know that I requested you to do so. I have a special reason for this last request. Mrs. Wilson was born in N. Carolina at the close of the year 1794. When about 14 years of age she was admitted to full communion in the Presbyterian Church. We were married and went to the Chickasaw mission in 1822, where we remained ten years. Went to Teire in 32 and left for this country with my family early in 38. With our movements in this country you are familiar. Of course she has been thrown into connection with a great many persons of every possible shade of character. You are well acquainted with the leading features in the character of my dear wife, and with the place she has occupied in the feelings of those who knew her best, in this country. I can truly say her position wherever we have lived has been no less favorable. I have never known one individual to dislike Mrs. Wilson, even for a short time, and although apparently defective in the art of winning favour, somehow, all who knew her loved her. But she has gone where she will be esteemed not for her natural amiableness but because by grace she has been made to bear the image of the Son of God.

Let me hear from you soon.

Yours

Hugh Wilson

Daniel Baker to Miller

Huntsville, 16th Dec. 1856.

Dear Brother Miller,

After a long absence, I reached home on the 4th inst. There is to be a meeting of the Board of Trustees, on the evening of the third Thursday in Jany. next. I hope you will be present. I greatly desire that you should be present at that time. We have some very important business to engage the attention of the trustees. I have much to say to you, but have not time, just now. Suffice it to say, that I have given notice that I purpose to tender my resignation as President of Austin College—to take effect at that time. Not on account of any abatement of personal interest in the affairs of our noble Institution, but chiefly because there is a fair prospect of getting a gentleman of high distinction to take my place. You wish to know the man. It is no less a person than Governor Swain of North Carolina—the present President of the University of that state. If he should receive a unanimous vote I think he will come—for I have seen him and conversed with him on the subject. Should he come—our College will take a wonderful spring. When he took charge of the University of North Carolina there were only ninety students—now there are about four hundred! Such a man would give a great name to Austin College—and I doubt not, he would bring many students from his own state. But I have not time to enlarge. Do, brother Miller, come—but if you absolutely cannot—be sure to appoint a *Proxy*—say Anthony Branch—or Col. Leigh.

Excuse the brevity of this note.

Yrs in a precious Savior

Dan'l Baker.

The results of my efforts during the present year—in every way about some six thousand dollars.

W. C. Somerville to Miller

Huntsville, Texas, June 25th 1857.

Rev. J. W. Miller,

Dear Sir Permit me to send you a letter of a single idea. This day you have been *unanimously* elected President of Austin College by the Bd. of Trustees.

The one idea is this. Come, Come, Come. Don't let anything keep you back. The College, if properly conducted, will become powerful for good generally in Texas, and particularly, its influence will be immense for Presbyterianism. Education and conservatism have always been chief weapons in our denomination. We can't shout like a Methodist bro. nor can we plunge so well as

the Bap. We must act through the intellect. Who then can wield a more powerful influence for good than the president of a College?

Do let me entreat you to *Come,* and be assured you will receive a cordial welcome from your bro.

Wm. C. Somerville.

Daniel Baker to Miller

Huntsville 27th June 1857.

Dear Brother Miller,

We have had a harmonious, delightful, and most important meeting of the Board of Trustees. Amongst other matters of special interest was your election as President with a salary of fifteen hundred dollars. As Chairman of the Committee appointed to notify you of your election, I have written the letter, and it will be mailed this day. But I thought that in addition to that official communication, I would drop you a line, in an *unofficial* way—that I might mention sundry things that might be interesting to you. And first: I am happy to inform you, that the College is in a highly prosperous condition, both in relation to its internal and external affairs. At our late annual convocation, we have had quite a flourish of trumpets! and a good impression was evidently made upon all classes of persons, those at home, and those from abroad! The students have returned to their homes, with feelings of enthusiasm, in favor of Austin College! Some think that they can bring two or three students back with them next September, at any rate, they mean to *try.* I am happy to inform you that the financial condition of the College is decidedly better than it ever was before! At the meeting of the Board, in January, it was determined that we would *strike for the endowment of one professorship*—on the old plan modified. In prosecution of my agency I entered upon this work with new zeal and hope, and at our meeting on the 24th inst. I reported something more than twenty-two thousand dollars secured! This not only answers for one endowment but leaves some seven thousand dollars to go towards a *Second* endowment!!! Is not this encouraging? But even this is not all. Besides *notes* obtained to the amount of twenty-two thousand dollars (fifteen thousand at 8 per cent interest—and seven thousand at ten per cent interest). Besides this—the agent has reported an addition to the resources of the College in *lands* to the amount of more than four thousand dollars. Of this Mr. McCormick has given a tract, on the San Bernard, for which he was offered fifteen hundred dollars but which he values at twenty-two hundred. Moreover Mr. Austin Bryan has

given a tract on the Buffaloe Bayou, near Houston, of 306 acres, which he values at eight hundred dollars. Thus, more has been done within the last six months, to add to the resources of Austin College than within any three years preceeding! Surely my brother, we have now, emphatically, much reason to thank God and take courage! I may here also mention, that should good crops be made the present season—there is a prospect of two additional endowments, the next year. I do think, brother Miller, that heaven is smiling upon our beloved Institution; and, I hope, that you may see your way clear to accept of your appointment, as the President of Austin College: and, God grant that under your administration the Institution may prosper yet more and more. Professor Thorn retains the chair of Mathematics—Salary $1500—and Mr. McKnight has been elected to the Chair of Languages—Salary $1300. With regard to Mr Somerville, he has been appointed Principal of the Preparatory Department, which is to be separate from the Collegiate Department, and he to have all the emoluments thereof. This arrangement seems to give general and great satisfaction. Our prospects are bright! It is true, we owe some four thousand dollars, chiefly to the Professors. We are on a bar—with deep water all around!—and, I think a plan has been adopted by which our Craft will be "sparred off," within a few weeks from this time. I would like to write more but I have a wretched pen—and I am almost continually interrupted. In a few days, I am to visit Marshall, and operate in that region, as a minister of the Gospel, and Agent of the College. Shall probably go as far as Shrevesport—La.

I believe, I told you about Mr Smith, purchasing two thousand acres of the College land for $5000—and Mr Sorley's subsequent offer of $15000—if Mr Smith would reconvey the land to the College. He has had the great magnanimity to do it! In consequence, the Trustees have voted two perpetual Scholarships to each party concerned—as a compliment— And as an additional compliment, directed that, upon the Records of the College, there should be an ornamented page with a *"Roll of the distinguished Patrons of Austin College"* upon which should be placed in gilt letters their names, and that of Rev. Benjamin C. Chase. This I think is a good idea—and I would like you to see what Mr. De Lone has sketched. With kind remembrances for all the members of your domestic circle

Yrs fraternally

Dan'l Baker.

P. S.—I have rec' letters from several persons in the old States who would like to be engaged in some Female Institute. I think

should you come to Huntsville you could very easily get some one in your place at Independence.

The trustees by a unanimous vote conferred the degree of Doctor of Divinity upon the Rev. Hugh Wilson of our State—and have made a record of their determination to confer the degree of A. M. upon the members of the first graduating class.

R. H. Byers to Miller

New Danville July 3rd 1857

Rev J. W. Miller

Dear Bro You have doubtless heard already of the action of the Board of Trustees of Austin College, so far at least as your election to the Presidency. And as the proposition was mine I wish to lay before you, the grounds on which I acted. I had no patience with the notions of some men. The talk about great men, etc., it was too childish. I considered all efforts to get such men as vain, besides I am by no means sure they are the kind of men for our Institution. In my judgment what we want for President is a man, acquainted with our people, with their character, habits, modes, etc. A man fully aware of the *status* of our College in all things, whose heart is enlisted, and who will take hold, with his eyes open, fully posted in the nature of the work he will have to perform, and with the determination to do it. Of scholarship sufficient to guarantee that by application he could soon make himself all that would be needful. A man of gentleness, yet of firmness and perseverance. And last but not least he must be—in a large sense a Texan. I consider this as almost indispensable, to the Judicious Administration of the government of the College. In view of these premises, after the resignation of Dr. Baker, my mind turned to you and after mature and prayerful consideration, under all the circumstances, and after making inquiry amongst leading business men in Houston and elsewhere, and hearing all that was to be said in the Board for others, my mind was but the more confirmed. I proposed your name in the Board, and it was unanimously and heartily responded too. And so far as I heard outside, there was but one sentiment—*it was a wise, a good choice* leading Business Men at Houston assured me it would give new character and influence to the *College*. These my Bro. are the leading points of thought which governed me in my action. I am not insensible to the sacrifices you will have to make, in accepting. But experience has taught me that by far the largest share of these sacrifices, consists in the surroundings which we gather about any given matter, in our own minds. The sacrifice can only at most include those things which you must soon or later give up. Your salary as President will support you.

And I think you may calculate on getting it. I do hope you will find it duty to accept. In my mind there is no other such field of usefulness in our state. Then let me say a word (*in the strictest confidence*). We must have a more positive religious influence at our College. I do not mean to find fault with the Brethren there I love all of them and have confidence in them, and yet I do feel that their religious character and influence on the College is negative, Christianity must be positive and aggressive, or it is nothing. Our Lord said "I have come to send fire upon the earth," and our religion like fire must be aggressive, ready to take hold upon all that comes near enough. If our College goes on a while thus, I consider it as a failure, so far as its Presbyterianism is concerned. As the foundations—so will the superstructure be. We want a man who will dig deep and lay good foundations, that our College may be a source of sure support hereafter for our church.

I have said thus much, that you may see and know, that you are not chosen as a last resort but as the first, and so far as I am concerned at present the only choice, these are some of the reasons I assigned, in the Board, and I believe they were felt and fully responded to. I might urge many other reasons, but I am pressed for time.

And now my Bro let me urge, that in this matter you draw up all the facts, bring them clearly before your mind, make it a matter of earnest prayer ask counsil and direction of God for He alone can and will give it *right*. I would not have you to act against clear convictions of duty. But I would have you be very sure of the matter—before you refuse.

I think too of the work you may do for the church, that shall grow making glad our Zion, when you and I have ceased to labor here.

Think you the Pioneers of our church in that land from which you and I hail, could have done so much for our church in any or all other ways, as in the establishment of Jefferson College, it was through this they strengthened the stakes and lengthened the cords of our *Zion*. May God direct you for the good of our Zion, and the glory of *His name*. I have not time to look over this, you must excuse imperfections, my heart's desire is to hear from you and that you accept.

Give my kind regards to Mrs. Miller. Tell her she has no advantage in Kind feelings—and my esteem was won by her truthfulness to woman's true character of gentleness and affection, others may think as they please this, to me, is, in woman a priceless Treasure, without it—I think of her pretty much as I do of

the balance of mankind. You have doubtless heard that I go to Houston, *in September.*

May God bless and preserve you and yours and direct you in all things.

Yours fraternally

R. H. Byers.

S. McKinney to Miller

La. Institute New River July 23rd 1857

Rev and dear Brother.

I have just had the pleasure of hearing a letter read from you to Mr Thompson, informing us of your election to the Presidency of Austin College, etc. I do not know that I have anything to communicate, that would be new or valuable, that induces me to write, but to express my hope that you will accept the office, and that under your administration it may prove what we all desired and prayed,—a useful nursery for rearing valuable men both for church and state. I might add that it is a pleasant task to renew and perpetuate the recollection of our happy intercourse and friendships while in Texas.

At the last meeting of the Board at which I acted, I acting as Dr Red's proxy, nominated you, but as the whole matter was arranged as to a successor months previously, my vote was the only one dissenting.

I left the College and Funds in a healthy state, how they have been managed since I have not been advised. You are doubtless acquainted with these things much better than I am, being a member of the Board all the time.

You speak of difficulty of finding a suitable person to carry on your school, in case you should leave. What are the prospects for permanent success? If you should sell or rent your homestead what would be the different estimates? I am acquainted perhaps with some brother that could occupy the position successfully.

I shall be pleased to hear from you. I have expected to go to Texas to see after some interests I have there, this vacation, but find it difficult to get away from home. If I go I shall hope to see you.

With affectionate regard Your Bro. in Christ

Saml McKinney

Daniel Baker to Miller

Austin 23rd Nov. 1857

Dear Brother Miller

We had a very interesting meeting of the Synod: but, we did wish *you* were there! The New School Presbytery, was, by a

unanimous vote, received, *prospectively,* and the members annexed to the presbyteries within whose bounds they were. *Prospectively!* you say, what is the meaning of that? Why, it is this; If the General Assembly of our Church, and the United Synod to meet at Knoxville next Spring, should form a union—then, this arrangement will stand—if otherwise, then it becomes a nullity, and if afterwards, our New School brethren, of this state, wish to join us—they must come in "one by one, and two by Couples." Our meeting at Palestine was very harmonious—very delightful! The report touching the College gave great satisfaction. The *Internal* condition as good as it ever was— And the *Financial* condition much better than was expected. The property of the College, valued at $62,000— Debt, 1st July last about $4,000—chiefly due to teachers. Some 17,000 acres of land in all donated to the College—of this, about 6000 acres have been sold for something like $19,000. Since the first of January last—I have received for the Endowment, by subscriptions, and sale of land, in *notes,* to the amount of $25,890. (This is included in the estimate of the property of the College.) The affair of Smith relinquishing the land which had been sold to him for $5000—when Sorley offered for it $15,000 was magnanimous, and I suppose you know, that the Trustees, as a compliment, voted to each of the parties, two Perpetual Scholarships—to be handsomely prepared on parchment—and also voted that their names, together with the name of the Rev. Benjamin Chase, should be written, in *letters of gold,* upon an ornamented page of the Records of the Institution!

You recollect, my brother, you were one of the subscribers to the endowment—the subscription $200—to be paid *on,* or *before,* or *after,* the 1st Jany. 1861. The *interest to be paid at the close of each year.* As we have given *our* notes with appropriate Coupons—I have sent you the printed forms, which I hope you will have the goodness to sign, and forward to me, by mail to Wheelock, where I expect to be in about two weeks from this time. I have also enclosed another blank note which I hope you will get Doctor Red to sign—and, if Mrs. Lipscomb will see good to patronise the Endowment Scheme—please let me know and I will, with pleasure, attend to the matter, and that without delay. Heaven seems to be smiling upon our College. And now is the time for all its friends to do for it what they can. I am happy to say that our prospects for obtaining Legislative aid, are better now than they ever were before! Our new trustees are Col. Murray, Doctor Lawrence, Col. A. M. Branch and our good brother Fullenwider—yes, and also our good brother James Wilson, of Wheelock. Mr Atcheson, Doctor Branch, and Mr. McGregor have been left out. I did wish to pass through Independence, on my way home but,

I believe I must go around by the way of Wheelock and Lexington. The idea has been suggested of my going to London and Edenburg next Summer!!!! It may prove a bright idea, or, it may not! I mention the thing, in time, that the trustees may think upon the matter before the period arrives.

My son William has been very *very* sick! but, God be thanked, is now convalescent. You were appointed to preach the dedication sermon for our new and very beautiful church, in Huntsville, on the 3rd Sat. in Nov. but the whole affair has been postponed—until the debt has been fully paid. The building has cost us about $4,000. Our subscriptions were about that amount—but, some three or four hundred dollars of it have not been collected, and by reason of the hardness of the times, etc., I suppose never will. The church is really a beautiful one! one of the chief ornaments of our town!

With christian Salutations Yr brother in Christ

Dan'l Baker.

Mrs. Twichell has most generously made a donation of her late husband's library to our College—with the cases which contain the books. This donation is a very valuable one.

Do get *all* the blanks signed, and forwarded to me at Wheelock; or Huntsville—and I will give you one of my best Texas bows!

R. H. Byers to Miller

Houston Texas Dec 30th 1857

Rev J. W. Miller

Dear Bro—I have had no further information, that is reliable, since your letter regarding the Presidency of our College. I still hope the way may be opened up for you to accept Is there any prospect? The matter must be determined shortly—at least in the course of the present session. If you cannot accept Who can you fix upon—that we can get? And I need not say to you that one of the first considerations—is that he shall be a man calculated to exercise a possitive, religious influence in the institution. Without this we cannot expect our College to become a school of the Prophets. Dr Bakers death—I fear will be a great loss to the College. I am utterly at a loss to know who to put in his place. And yet I think it very important that we should have an Agent immediately—for unless we can secure endowments—we will allways be in difficulties. Dr Baker has heretofore taken the lead in the matters of the College generally. I do not know who is to take his place, we must try and get a President, by the next session if possible. I have been trying to fix my mind on some one in case you refused the office And I have been told that you

have If so I have no doubt it was for wise and good reasons—although I am constrained to think you could have done more for the Redeemers kingdom in that office—than where you are. Still I know, one cannot decide for another Let me hear from you soon.

I have heard that you have a good degree of religious interest, both in School and Church I hope you may be greatly refreshed, and your hands strengthened.

I sometimes hope we have some tokens of a better state of things in our Church. There is I think—a deepening sense of the want of spirituality And I trust there is a melting of some of the hardness that has existed. I try to deal faithfully with my Session—we meet often— And I think there is getting to be an interest in our meetings.

The Church is filling up—the attendance is good. It is a little remarkable the increase in my congregation is nearly all gentlemen. So far as I can see but few ladies.

My Dear Bro pray for us. This was your first love in Texas. You know us, and our needs; pray that the Gospel may have free course.

Tomorrow is New years day. May God give you and yours a happy new year. Yours fraternally

R. H. Byers

THE ALTA CALIFORNIA SUPPLY SHIPS, 1773-76

CHARLES E. CHAPMAN

Historians have been prone to regard the expeditions of 1769 to Alta California[1] as accomplishing permanent occupation of that region by Spain, simply because uninterrupted possession thenceforth ensued. A little reflection upon the failure of many promising attempts in previous centuries to found colonies in the Californias, or, indeed, wherever colonization has been undertaken, might lead to a conjecture that Alta California must have had its period of uncertainty, and a study of the documents would prove the conjecture true.

Climate and natural resources were not enough to keep civilized men alive, however well the numerous Alta California Indians were able to subsist. Everything that the Spaniards needed had to come from Mexico, or in many cases from Spain itself. Alta California was a land without manufactured articles of any sort, from guns and powder down to nails and fish-hooks, without agriculture, without domestic animals, without laborers, without white women. All there was, was the tiny garrison of soldiers and a few missionaries. All supplies had to come from the port of San Blas, Mexico, even food, for the colonists could not subsist on acorns and chance supplies of bear-meat. There were difficulties with the long sea-route from San Blas, especially as regards transport of animals and settlers, so that overland routes were temporarily made use of, but as regards food-supplies, goods, and effects, the San Blas supply-ships were for many years practically the only reliance of Alta California, without which the province would almost certainly have been abandoned. In 1770 and again in 1772 the province was barely saved by the timely arrival of supply-ships. The same thing was to occur for the third time in 1774.

It is the purpose of this article to deal only with Bucarely's[2]

[1]In this article "Alta California" will be used for the region from San Diego to San Francisco, "Baja California" for the peninsula, and "Californias" where both are meant.

[2]Antonio María Bucarely y Ursúa was viceroy of New Spain from 1771 to 1779, and was one of the greatest rulers that land ever had.

activities in regard to the supply-ships from the middle of 1773 to the close of 1776, a period embracing the great famine of 1774, and Bucarely's measures to prevent its recurrence, in the face of a development of the province calling for increased supplies.[3]

In 1768 a town was founded by José de Gálvez at the port of San Blas to serve as a base of supplies, not only for Baja California, but also for Alta California, which Gálvez was already planning to occupy. In the first years of the occupation, but one ship a year was required for Alta California. Writing to Arriaga,[4] June 26, 1773, of the departure of the *San Carlos* with provisions for San Diego and Monterey, Bucarely announced that he planned to send another ship in November, although he understood that the Californias were already well provided with supplies.[5] A month later, July 27, 1773, he wrote at some length of new arrangements that he had made for such voyages. The difficulty of navigation from the mainland to both Alta and Baja California[6] had caused him to seek a remedy. From reports made to him he had learned that December or the beginning of January was the best season for a voyage to Monterey, that all the year except from April to the middle of June was suitable for voyages to San Diego, and that all the year, but especially January, was favorable for voyages to Loreto. San Blas was too hot and damp for storage of maize (which formed the principal part of supplies for the Californias), without exposing it to risk of damage. As crops were gathered in January, it would be best to put them aboard direct. Other effects could be gathered beforehand. Bucarely

[3]Materials for this article were found mainly in the Archivo General de Indias at Seville, Spain. Copies of several documents in the Museo Nacional of Mexico have also been used, as also Palou, *Noticias* (San Francisco. 1874), and *Vida* (Mexico. 1787).

[4]Julián de Arriaga was minister for the Indies (*ministro general de Indias*) in Spain from 1751 to 1776.

[5]A. G. de I., 104-6-14. Approved in Arriaga to Bucarely, Oct. 13, 1773. *Ibid.*

[6]Documents on this point are legion. Two easily accessible references are the following: Gálvez, *Informe* (Mexico, 1767), 141-47; Bancroft, *North Mexican States and Texas*, I (San Francisco. 1889). One has only to note the many voyages across the Gulf of California mentioned in the latter to get an understanding of the difficulties, which were in some respects even greater on the long voyage to Alta California. In brief, these difficulties were the result of having small ships, uncharted coasts, severe storms, prevalence of scurvy, lack of skilled officers, and inferior crews.

had given orders in accord with these conclusions, making provision also that boats should leave San Blas in January, if possible, or early in February at latest. This was to be not only for the year 1774, but for ensuing years as well.[7]

For these reasons and also because of Bucarely's belief that the Californias had abundant supplies, the November ship was not sent. Writing to Arriaga, September 26, 1773, Bucarely said that the *San Carlos* had been unable to make the voyage to Alta California on account of the storms that it encountered in attempting to round Cape San Lucas. Having lost its rudder and sprung a leak, it put in at Loreto, discharged its cargo there, and returned to San Blas for repairs. This would have caused him anxiety over the needs of Alta California, had it not been that the pilots and the commissary, Campo, informed him that Governor Barry had offered to supply the northern establishments by land with as much as they needed. Moreover, he had heard from Fages that they already had enough to last for the rest of the year 1773.[8] Shortly afterward Bucarely was confirmed in his belief that all was going well by a letter from Father Verger* announcing progress in Alta California, saying that crops were good, and that many conversions were being obtained.[9] This news Bucarely in turn transmitted to Arriaga, November 26, 1773.[10]

On January 27, 1774, Bucarely wrote to Arriaga that Pérez was only awaiting a favorable wind to set sail in the *Santiago* on his voyage of exploration to the northwest. Francisco Hijosa, now commissary at San Blas, had written to him on January 5 that the boat was provisioned for a year, in addition to supplies that it was carrying to Monterey. Bucarely thought that the *Santiago* must have sailed since that time. In order to provide for every possible contingency he had ordered the *Príncipe* promptly to San Diego and Monterey with more provisions.[11] On

[7]A. G. de I., 104-6-14. Approved in Arriaga to Bucarely, Dec. 12, 1773. *Ibid.*

[8]A. G. de I., 104-6-15.

*Verger was Father Superior of the Franciscan College of San Fernando, Mexico. The missionaries of Alta California were sent out by this college, and were subject to it.

[9]Verger to Bucarely, Nov. 5, 1773. A. G. de I., 104-6-14.

[10]A. G. de I., 104-6-14.

[11]A. G. de I., Estado, Aud. Mex. 1, Doc. 7.

April 26, 1774, he was able to announce that the *Príncipe* had sailed the month before on March 21. It had been delayed for repairs necessitated by the size of the cargo that it was to carry; not only was it to bear supplies for the missions and presidios of Alta California, but also a copious store for the *Santiago,* in case that boat should be obliged to put back from its northwestward voyage, or for its use when it returned. Bucarely had ordered repairs to be made promptly, so that the *Príncipe* might sail before the season of good weather should pass. Hijosa's letter of March 24 telling of its departure reported it to be laden with as much provisions as it could carry; so Bucarely felt sure that there would be enough to supply Alta California for many months, and to help Pérez's expedition, if needed.[12] In forwarding Palou's report of December 10, 1773, on the status of the Alta California missions, Bucarely wrote Arriaga, May 27, 1774, that he was much pleased with the progress of conversions, and manifested a belief that much more might be expected, since the natives were so numerous and the lands so fertile. The greatest obstacle had been lack of provisions with which to maintain Indians at the missions during the period of instruction. This lack should be alleviated in a measure by the provisions in the *Santiago* and *Príncipe,* as also by the crops of Alta California. Anxiety of the missionaries should be relieved by the arrival of Serra, for he had been told that the needs of the missions would be supplied.[13] In another letter to Arriaga of the same date, Bucarely stated that he had ordered a new keel laid at San Blas, because it was too great a risk to rely upon one frigate and two packet-boats for the Alta California voyages, as was being done.[14] It may be observed that the Palou memorial had not spoken of the danger of famine, though emphasizing the need for supplies. We may now glance at the actual state of affairs in Alta California in late 1773 and early 1774.

While Bucarely rested secure in the belief that Barry would forward to Alta California the provisions which the *San Carlos* had left at Loreto, in fact no such thing had happened, for lack of means to convey them. As a result the new establishments

[12]A. G. de I., 104-6-15.
[13]A. G. de I., 104-6-15.
[14]A. G. de I., 104-6-15.

had to endure the worst famine of their history, lasting eight months, during which time milk had to serve as the principal aliment of the colony.[15] At length Juan Pérez, in the *Santiago*, reached San Diego, March 13, 1774, and was able to leave provisions enough to tide over the situation until arrival of the *Príncipe*. Other missions had to wait several weeks longer, until provisions could be distributed from San Diego and Monterey, to which latter port Pérez arrived on May 9. To make clear just how serious were the straits to which the settlements had been reduced, it will be well to quote some documents of the period. Writing from San Gabriel, April 10, 1774, Anza, who had just explored a route to Alta California from Sonora, told Bucarely that he had found a shortage of rations at that mission, although accounted the richest site in Alta California. Herbs and three *tortillas* apiece were the daily ration of the inhabitants.[16] Anza was himself in great need of provisions, but was able to get little at San Gabriel.[17] He therefore sent to San Diego and procured a supply, the *Santiago* being still at that port.[18] Other references might be given to show equally bad conditions as regards food supply at other missions less well favored by nature than was San Gabriel.[19] Nor was want in Alta California solely a matter of food. This appears, for example, in letters of Father Lasuén of San Gabriel to Franciscans at the college of San Fernando. Lasuén had hoped to return there, but was resigned to staying in Alta California, if required to do so. He begged to be relieved, however, from the great hardship that he was suffering for lack of wearing apparel, which had already reached the point of indecency. His clothes had been in continuous use for more than five years. He had mended them until they no longer admitted of it, besides which he no longer had materials for sewing.[20] In another letter of

[15]Palou, *Vida*, 153.

[16]A. G. de I., 104-6-15.

[17]Palou, *Noticias*, III, 158, says that an animal was killed to provide Anza with meat, but that the mission could give him nothing else.

[18]Valdés, *Declaration*, June 14, 1174, A. G. de I., 104-6-15; Anza, *Diary*, April 6, to May 27, 1774, A. G. de I., 104-6-15.

[19]Eg. Palou, *Vida*, 158; *Noticias*, III, 148; correspondence and diaries of Anza, Díaz, and Garcés of the Anza expedition.

[20]Lasuén to the Father Superior of San Fernando, April 23, 1774. Mus. Nac., Doc. rel. mis. Cal., v. II.

the same date, April 23, 1774, Lasuén repeated the story of his needs. Perhaps it was on that account, he said, that the Indians cared for him so much, on the principle that like attracts like, for he resembled them much in scantiness of wardrobe.[21] Writing a general letter to his brethren of San Fernando, May 2, 1774, Lasuén said that Fathers Garcés and Díaz of the Anza expedition had given him clothing, which would cover his nudity for several months; the former gave him a thin flannel undergarment and cowl, and the latter a tunic and pair of sandals.[22]

Two letters from Rivera[23] to Bucarely, June 16, 1774, show a lack of military equipment and other necessaries at the presidios. In one of these letters he wrote that the forces at San Diego were in need of thirty shot-guns, twenty small swords, twenty knives, two cases of powder, one case of balls, one case of munitions, and two packs of tobacco. Monterey required twenty small swords, twenty knives, two cases of balls, one case of munitions, two of powder, and thirty shot-guns. He wanted the shot-guns examined before they were sent, to make sure that they were good.[24] In the other letter he complained that things forwarded from San Blas were not suited to the needs of the colony. Articles asked for were not sent, leaving them entirely lacking in some things that they needed, and for which they had no other recourse, as for example, clothing. They sent no corduroy, which the soldiers liked to use because of its durability; they had not sent a cake of soap; nor a handful of tobacco. There was great need for shot-guns and small swords. Some soldiers entirely lacked arms; others had the gun but not the sword, and vice versa.[25]

Rivera's petitions were considered in conection with authorization of a second Anza expedition, and Lasuén's were a matter between him and his college. The general scarcity, however, especially in food supplies, was met by the arrival of the *Santiago*, followed a little later by the *Príncipe*. Thenceforth, Alta Cali-

[21]Lasuén to Pangua, April 23, 1774. *Ibid.*

[22]Lasuén to Franciscans of San Fernando, May 2, 1774. *Ibid.*

[23]Rivera succeeded Fages in 1773 as civil and military ruler of Alta California.

[24]In *Testimonio . . . sobre la segunda expedicion . . . qe. por tierra ha de hacer . . . Anza.* A. G. de I., 104-6-16.

[25]In *Ibid.*

fornia did not again suffer in that respect.[26] Her relief had come not only from Bucarely's foresight in sending the well-filled *Santiago* and the *Príncipe,* in the face of favorable reports as to the situation in Alta California, but also because Bucarely never allowed a relapse, once he got actual information of the state of affairs there. On this point we may revert again to Bucarely's correspondence.

As already noted, Bucarely learned from Anza of the scarcity of provisions in Alta California. Writing to Arriaga, August 27, 1774, he opined that the cargoes of the *Santiago* and *Príncipe* would relieve the immediate need. He realized that the question of supplies was one of considerable importance, as the ports of Alta California might serve to shelter and assist boats engaged in northward exploration. It would be of great advantage to the royal treasury if the inhabitants might be given the means of sustaining themselves by their own industry. Hijosa, the commissary at San Blas, had been ordered repeatedly to gather provisions for their aid. To this end he was then repairing two boats, which were to sail within a short time, one after the other.[27]

A month later Bucarely was able to say that Alta California's extreme need had been successfully met. The provisions of the *Santiago* had reached Alta California in time to relieve the sufferings of the missions, but they would not have done so, had it not been for the successful voyage of the *Príncipe,* which reached Monterey June 8, three days before the *Santiago* sailed. These provisions and the fertility of the soil combined would thenceforth ensure permanence of the colonies and lead to further conquests. Such conquests would be easy because of the docility of the Indians, if there were provisions enough to furnish them, for in that lay their attraction to vassalage and knowledge of the faith. Rivera and Serra[28] reported that all were content. The *Príncipe* got back to San Blas on August 30. Bucarely had acquiesced in repairs proposed by Hijosa, tending to protect provisions from water, because he realized the importance of sending supplies to Alta California, not only for its own subsistence, but

[26]Palou, *Vida,* 158-59.

[27]A. G. de I., 104-6-15.

[28]Junípero Serra was Father-President of the Alta California missions.

as stores for Pérez, in case of accident. He had therefore suggested to Hijosa that he repair another ship and send the two with provisions in the coming January.[29]

Bucarely's plans matured, so that by February 1, 1775, the *Príncipe* left San Blas with provisions for San Diego. Because of severity of storms it took seventy days to make the voyage, whereas the return occupied but thirteen, May 9 to 22. Quirós, the commander, reported that he saw the Indians of a whole village who had come to San Diego to ask for baptism, but it was denied them because there were not provisions enough to sustain all. It was believed, however, that the crops would be sufficient for their maintenance despite the scant rainfall at San Diego, thus permitting of Christian instruction.[30] The *San Carlos* under Manrique had tried to leave with the *Príncipe,* being destined for Monterey with provisions, but ran aground in the port of San Blas itself. After getting her free, the officials of San Blas wished to unload, in order to see what damage the boat had suffered, which would hold back the voyage until March. Bucarely ordered that it be reladen with provisions for the families who were to go with Anza to found a settlement at San Francisco, and that the rest be left for the *Santiago,* in case there should be room for them in addition to those to be carried for its own crew in the new voyage of discovery that it was about to make. On February 24, 1775, the date of his letter to Arriaga, Bucarely had not yet heard whether such an arrangement was possible.[31] The *San Carlos* was in fact delayed until March 16, 1775, but on that day set sail, accompanied by the *Santiago* and *Sonora,* which were to make further explorations of the far northwest. This time, the voyage of the *San Carlos* was a success, for it delivered the provisions consigned to Monterey, was employed in exploration of San Francisco Bay, and at length returned to San Blas.[32]

In 1776 new problems began to arise in connection with the

[29]A. G. de I., 104-6-17.

[30]Bucarely to Arriaga, June 26, 1775. A. G. de I., 104-6-16.

[31]A. G. de I., 104-6-16. This letter states that the *Príncipe* had left on January 31. In Bucarely to Arriaga, June 26, 1775, A. G. de I., 104-6-16, it is given as February 1. Bancroft, *Cal.,* I, 241, says that the *San Antonio* or *Príncipe* left San Blas on March 16. This is an error.

[32]Bucarely to Arriaga, Nov. 26, 1775. A. G. de .I, Estado, Aud. Mex., 1, Doc. 19.

supply-ships, as a result of the increased needs of Alta California. The *San Carlos* and *Príncipe* had sailed on March 10, wrote Bucarely on the 27th, fully laden with provisions. Yet, some of the supplies needed at the missions and presidios had had to be left behind. Another boat was needed.[33]

The problem was accentuated by receipt of orders for a fresh series of northwestward exploring voyages.[34] In reply August 27, 1776, Bucarely stated his belief that such a voyage would be impossible before December, 1777. The *Santiago* was the only serviceable boat then at San Blas, the *San Carlos, Príncipe, Concepción,* and *Sonora* being absent on provision voyages, the two former to Alta, and the two latter to Baja California. Also, a boat was necessary for Areche, the viceroy's *fiscal,* who had been appointed *visitador* to Peru. Alta California had developed to such an extent that the *Santiago* was needed as an additional supply-ship. The two boats then in use had been obliged to leave behind many effects for which the missionaries were clamoring. Heceta and Bodega were eager to make the new expedition, but the first thing to do was to hold what had already been occupied.[35] A month later, Bucarely again referred to the uncertain status of the proposed voyages for 1777. He had arranged for calling a *junta* at San Blas to determine what boats were to be used for supplying Alta California and carrying Areche to Lima. He suggested that two new frigates be built at Guayaquil.[36] The *junta* concluded that voyages of exploration should be postponed for a year. At least two boats were needed on such voyages, it held, but it was impossible to get them, because of the necessity of getting Areche to Lima and supplies to Alta California.[37]

Some indication of the increased needs of Alta California appears in a Bucarely letter of November 26. A settlement had been made at San Francisco with the recruits and their families

[33]A. G. de I., 104-6-17.

[34]Gálvez to Bucarely, May 20, 1776, A. G. de I., Estado, Aud. Mex., 1, Doc. 22. Gálvez had succeeded Arriaga upon the death of the latter in January.

[35]A. G. de I., 104-6-18.

[36]Bucarely to Gálvez, Sept. 26, 1776 A. G. de I., 104-6-17.

[37]A. G. de I., 104-6-18. Enclosed in a letter of Arteaga to Gálvez, Nov. 23, 1776.

brought from Sonora by Anza.[38] Twenty-five more soldiers had been sent to Alta California in consequence of an Indian outbreak at San Diego, and a few sailors had been left by the *Príncipe*. The province might thus be considered to have advanced and become better guarded, but this had also made necessary the shipment of increased stores of supplies, until such time as the soil should provide enough to relieve the royal treasury. Rivera had failed to pay attention to agricultural development of the province; otherwise, there might have been crops enough to sustain the settlers.[39]

Meanwhile, the boat shortage had been cleared up by the chance arrival at Acapulco of the merchant ship *Fenix*, coming from Guayaquil. Areche could go to Peru in that, wrote Bucarely on December 27, as also a naval officer to solicit a frigate there for use in the projected exploration. This expedition had been suspended, however, until 1778, as scarcity of boats was still a factor. Bucarely then recounted various measures by which he planned to hasten supplies to Alta California. But for the arrival of the *Fenix*, it would have been difficult to send enough. As matters were, the *Santiago* could replace the smaller *San Carlos* and with the aid of the *Príncipe* could perhaps carry all the provisions required. If it seemed necessary, however, Bucarely would also send the *San Carlos*, so that the province might be less embarrassed in 1778 when the exploring voyages were to take place. At all events, it was more important to supply Alta California than to make the explorations.[40]

On the same day Bucarely announced the return of the *San Carlos* from San Francisco. It brought news that the new settlement was making excellent progress, but Bucarely was not going to take any chance of a decline. He was seeking a surgeon, carpenter, mason, and smith in Mexico for that settlement, and was sending to San Blas by forced marches a quantity of clothing, tools, and other utensils for San Francisco, agricultural tools being especially abundant. Having heard that there was a scarcity of provisions at San Francisco, he had ordered the *Santiago* to

[38]Anza brought thirty soldiers destined to remain. These and their families aggregated 246 persons.

[39]A. G. de I., 104-6-18.

[40]A. G. de I., 104-6-18.

sail direct for that port, without previous stop at San Diego or Monterey.[41]

It is not proposed to pursue this matter here. Enough has been said, it is believed, to show the great importance of the supply-ships in this period of Alta California's history, and also the great credit that is due to Bucarely for his management of what was by no means an easy task. Some recognition of this fact seems to have been accorded him in a document which otherwise deprived him of power. By a royal instruction of August 22, 1776, Gálvez instituted the new government of the *comandancia general* of the frontier provinces, including the Californias. The viceroy was to continue to supervise the sending of supply-ships.[42] Perhaps it was well for Alta California that this was so, for the *comandancia general* was not a glittering success in other respects.

[41]A. G. de I., 104-6-18.
[42]A. G. de I., 103-3-13, Exped. 5, 1776.

BRITISH CORRESPONDENCE CONCERNING TEXAS

XVI

EDITED BY EPHRAIM DOUGLASS ADAMS

KENNEDY TO BIDWELL[1]

No. 19.

Her Majesty's Consulate
Galveston
July 29th. 1844.

Sir,

In accordance with the Instructions issued to Her Majesty's Consuls, I have to report the appearance of a disease at Galveston which Medical Authority has pronounced to be Yellow Fever.

There are as yet no Quarantine Regulations at this Port, and there is every reason to believe that the disease was introduced by the United States War Steamer "Poinsett," when she touched here last month, on her voyage from Vera Cruz homewards.

There are three British Merchant Vessels in Port, which have been visited by the Fever. The Master of one and the Carpenter of another have died, but all the Sick on board these ships, or belonging to them, now—I am happy to say—appear to be in a fair way of recovery.—It is the "Victoria" of Poole, (from Liverpool) that has lost the Master, who exposed himself—most imprudently—to the Sun in an open boat.

William Kennedy.

John Bidwell Esqr.

ELLIOT TO ABERDEEN[2]

Separate.

Washington
August 13th 1844.

My Lord,

I would beg to mention to Your Lordship that I have taken the opportunity of my stay in this part of the Country to pay my respects to Mr. Pakenham, and to renew to him the expression of my readiness to set out for my post at any moment that my presence there may be considered desirable.

[1]F. O., Texas, Vol. 10.
[2]F. O., Texas, Vol. 9.

If however there should be no need for my immediate return, I will request Your Lordship to sanction my continued absence till the beginning of the Month of November.

Charles Elliot.

To The Right Honorable, The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN[3]

Private.

Her Majesty's Consulate.
Galveston August 14th. 1844.

My Lord,

General Howard, the new American Chargé d'Affaires, has reached the seat of Government, and presented his credentials. It was his intention, when he left Galveston, to remain at Washington on the Brazos, for the transaction of business. It is said that he is directed to apply for an extension of the time for the completion of the arrangements incidental to the Treaty of Annexation. The additional term, mentioned is three Months. In return (it may be supposed) for this Concession, he has, it is alleged, repeated to President Houston the assurance that the land and naval forces of the United States will be ready to assist Texas, in the event of a Mexican invasion.

I have had letters from British Traders in Western Texas, expressing strong apprehensions of the early outbreak of hostilities between Mexico and Texas.—Some have applied for passports, to protect themselves and their property. There is hardly a symptom of preparation here to repel an invasion, should the threats of Mexico assume a practical form. There has been no further inroad at Corpus Christi. The farmers are quietly watching the progress of their Crops which promise to be most abundant.

A Mexican invasion will greatly facilitate the designs of the United States, and will go a good way towards placing the settlement of the affairs of this Country beyond the reach of diplomacy. Now that the Yellow Fever is among us, people cease to anticipate the return of the Ministers of England and France until winter.—The United States will, as heretofore, have the field to themselves, but I shall use my best endeavours to keep Your Lordship apprized of the course of events.—Mr. Pakenham is desirous

[3]F. O., Texas, Vol. 10.

of information, and to him, also, I shall continue to communicate every fact worth noting that comes to my knowledge.

Captain Galan, the Mexican bearer of despatches, mentioned in my "private" letter to Your Lordship of July 29th has returned home, The Collector of Customs at Galveston gives President Houston's authority for the Statement that he (the President) has received, by Galan, a private letter from General Santa Ana, inviting the reopening of Negotiations for peace.—Whether or not this Statement has been put forward to influence the approaching elections, I am unable to say. That it should be promulgated with that object is probable enough.—Political *finesse* is as well understood and as unscrupulously practised in this unfledged Republic, as in the hoary despotisms of remotest Asia.

William Kennedy.

The Earl of Aberdeen, K. T.

P. S. August 16th.

According to recent arrivals from Corpus Christi, there is no appearance of an invading force on the Rio Grande.

W. K.

KENNEDY TO ABERDEEN[4]

Private.

Her Majesty's Consulate
Galveston, August 24th 1844.

My Lord,

In a communication marked "Private" and dated 29th Ultimo, I had the honor to inform Your Lordship of the arrival of General Howard, Chargé d'Affaires from the United States to Texas, and of his departure, on that day, for the Seat of Government, where he arrived on the 3d Instant.

On the 13th Instant, General Howard was attacked by fever, and on the 16th he died,—the fourth representative of the United States that has died in Texas, out of five that have been appointed since the recognition of it's independence by the American government.

The deceased gentleman was in the prime of vigorous life, and his appointment appeared to have given great satisfaction to the Texan Government—as he had been long on terms of friendly

[4]F. O., Texas, Vol. 10.

communication with President Houston, and, as I am told, with General Andrew Jackson.

The acting Consul of the United States at Galveston has employed a small Coasting Vessel to convey to New Orleans the melancholy intelligence of General Howard's death, and I avail myself of the opportunity to transmit this letter, which is accompanied by one of greater detail to Mr Pakenham.

The Yellow Fever has carried off a tenth part of the population of Galveston, and local experience leads to the expectation that there will be a continuance of sickness until November.

William Kennedy.

The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN[5]

No. 21. Her Majesty's Consulate
Galveston. September 9th. 1844.

My Lord,

When I entered upon the duties of my office, I had in contemplation to include in my reports to Her Majesty's Government occasional Notices of the emigration to this Country, with especial reference to that portion of it, which might emanate from the United Kingdom. Of Europeans, however, the whole Number introduced into Texas since the beginning of the Year 1843 (owing probably to the unadjusted relations between Mexico and this Republic) has not been so considerable as to afford much Material for suggestion, or remark. It has, at the same time, been large enough to show that persons intending to voyage hither across the Atlantic require to be furnished with some preparatory Counsel.

In years preceding 1843, several vessels fitted up for and conveying British Emigrants arrived at Galveston, but, from the commencement of that year to the present time, no ship containing a dozen of British families has entered this Port. Nearly all the European emigrants within the latter period—which may amount to between six and seven hundred—have been supplied by France and Germany.

Among the European Settlers, the Germans have the reputation of being the most successful. They are generally laborious, per-

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severing and eager to accumulate—orderly for the most part—and they keep well together. They have formed thriving Communities at different points of the interior, and they constitute a considerable proportion of the trading and working population of the towns adjacent to the Coast. In common with the French, they become Market-gardeners. And they divide with the Irish the profits of drayage and cartage, which are pretty large during the business season.

The Irish settlers in Galveston are, with few exceptions, Catholics, and have the benefit of an excellent superintendent and adviser in the Bishop of that faith, M. Odin.—They conduct themselves quietly as a class, and seem healthy, contented and well-doing. Those who are married and residents of two or three years' standing, usually have an independent house and lot—their own horse and dray, and frequently one or more Cows. The wives of the poorer sort assist in washing and housework.

Of the European immigrants, the French evince the least aptitude for the situation in which they are placed. They require to be moved in Companies, and led, directed and superintended, until they feel at home upon the soil.—A Frenchman left to himself in an insulated Settlement, will soon become barbarized.

It is greatly to be wished that all the Europeans who may emigrate to Texas should be instructed, previously to taking the final step, respecting the arrangements proper to be made,—the provision necessary to smooth their way to success—the nature and extent of unavoidable inconveniences, hardships or privations—the amount of present sacrifice and prospective advantage—the road to be pursued and the snares to be avoided. For lack of honest guidance and correct information, persons laudably desirous of improving their condition have been thrown upon these Shores only to encounter disappointment and despondency—to learn, all too late, from sad experience, how little the sufferings of their fellows deter men from practising upon ignorance and credulity for the sake of gain.

I have noted the following causes of disappointment and distress among the European immigrants:

1. Purchase of Spurious land titles from unprincipled adventurers.

2. Emigration at an advanced age and with debilitated Constitutions.

3. Arrival here at an improper season of the Year.

4. Selection of Settlement in unhealthy Situations, and exposure to the Sun.

5. Want of capital.

It is most extraordinary that people can be so foolish as to purchase titles to land in a Country they never saw, from individuals of whom they know nothing, and for whose good faith, they have no satisfactory guarantee. Such has been the case, however, and British Settlers have repeatedly complained of having been cheated by vendors of Texas land titles in England, which titles they found to be utterly worthless when they came to enter upon possession. On this point it may be generally laid down that insulated families ought to abstain from the purchase of lands until they arrive in Texas. Under no circumstance, should a foreign holder of land titles be treated with, unless he be prepared to shew, by unquestionable British references, that his titles are genuine, and that he is deserving of trust. Even when Emigrants reach this Country it is requisite that they should proceed with caution and circumspection. They ought to husband their means, and after carefully examining in what section of the Republic they are most likely to find the soil best suited to European farming, united to the advantages of a Market for produce and the retention of health, they ought to journey thither, and, after due deliberation, choose their ground, having a vigilant eye to the validity of the title, lest, at the very outset, they fall into the abyss of litigation. The vast extent of unoccupied land precludes the necessity of a precipitate choice.—Immigrants, if they think proper, may remain a year without fixing upon a permanent settlement, as now, and for some time to come, the use of tillage and pasture land may be had, rent free, for that or a still longer period.

It is needless to expatiate on the unfitness of the old and the feeble for distant Colonization. Without adverting to other considerations, the climate of the South, however, genial and salubrious in certain localities, must, from it's very novelty, be more or less trying to weakness and age. The habits of previous life ought, besides, to sit lightly on the immigrant, to enable him to adapt himself to a sphere of action entirely new—demanding al-

tered modes of labour, variations in food and clothing, and precautions for the preservation of health, which are too apt to be regarded by the inexperienced as unnecessary restraints.

Allowing the amplest latitude consistent with prudence, the season of Shipment from Europe, for parties intending to cultivate land in Texas, lies between the first of August and the first of February. Persons who look forward to constructing dwellings and putting in a seasonable Crop, ough[t] not, in justice to themselves, or to the Country, to arrive here later than November.—The earlier they are on the spot, in that Month the better. From the first of November to the first of June, there is no danger, with ordinary care, of suffering from local diseases, while the "colds," so productive of indisposition during the English winter, are unknown. The interval between November and Summer is calculated to strengthen the fortitude of the stranger, to prepare him for the Season of continuous heat,—to initiate him in the Maxims and usages of the older residents and to make him practically acquainted with the most approved plants of house-keeping and husbandry. The immigrant who lands at Galveston between the first of June and the first of October, perils his health and wastes his resources. The Brig "Weser" from Bremen, entered this port on the 4th of last July, having Ninety-six emigrants on board. The Yellow Fever, introduced from Vera Cruz by the United States' War Steamer "Poinsett," had attacked the inhabitants of the town.—Huddled up wherever they could procure lodging, and destitute of suitable attendance, which local charity was unable to provide, a large proportion of the newly-arrived emigrants died of the disease—an expenditure of human life wholy gratuitous—the result of ignorance and misdirection.

The selection of a healthy Situation for Settlement is a point of primary importance, inattention to which has been followed by calamitous consequences.

Immigrants shrewed enough in worldly Matters, but unacquainted with a Southern soil and climate, and the incidents of Settlement, so well known on this side of the Atlantic, are apt to be tempted by the opportunity of buying, for a comparatively trifling amount of Money, lands lying on, or near, the borders of a Navigable river. Now, these lands may be really cheap,—even in this land-abounding Country—their fertility may not have

been exaggerated, their pasturage may be unlimited, the wood unfailing—they may offer a most desirable investment for the planter of sugar and cotton—but, to the unacclimated European, their occupation is always perilous and often fatal. Swollen by the Autumn and Winter rains, they overflow their banks—a large expanse of the exuberant alluvion becomes the bed of their redundant waters, which receive constant accessions of rank and decaying vegetation—exhalations arise from the Marshy surface—"intermittents," by repeated assaults, wear down the frame, or the rapid march of Congestive fever subdues the powers of life.—These are the dangers—not all unknown in the Northern divisions of this Continent—which beset the European who piles his log-house on the Margin of a forest-girdled and periodically overflowing river of the South. Many a foreign settler, in the United States, as well as in Texas, in choosing such an abiding-place, has doomed himself to an early grave.

Caution is too often given in vain to persons unacquainted with the effects of careless exposure to the Summer Sun. It is a frequent cause of sickness, for which, as for disease induced by intemperance, the sufferer has himself to blame.

Cultivation, drainage, and the clearing of the woods, will doubtless operate favourably on the districts unfriendly to the European Constitution, but this is of no moment to the immigrant, who, leaving these lands to the cultivators of tropical products, can find others far better suited to his native husbandry, in Sections of the Republic of proved salubrity.—With the exception of Galveston Island, and the more open and elevated tracts bordering the Bay of the same name, Europeans, as a general rule, ought not to settle, within one hundred and fifty Miles of the Coast, from the river Sabine to the river Colorado. But, in no part of the Country lying between those two rivers (although not a few of them are already resident there) would I recommend my Countrymen to establish themselves as agriculturists. The West is free from debilitating influences, and they should move Westward as far as a prudent regard to safety from frontier troubles and annoyances will justify. From the river Colorado to the Nueces, the insalubrity of the Coast rapidly decreases, until it disappears altogether at Corpus Christi. The Irish Colony, planted on the

Nueces in 1832, was both healthy and prosperous until broken up by the revolutionary War.

Wherever the British immigrants may resolve to abide, they ought to bear in mind that the sward they turn up has not been cultivated before, that the sun in Texas shines with Southern fervour, and that, if they are protected from the effects of their combined influence, they have little to apprehend on the score of health. Every climate has some draw back—the North has its pulmonary complaints and the South its bilious fevers.

Notwithstanding the low price of land, the farmer requires capital, and he will have much to struggle against unless he has sufficient to enable him to fence, stock and crop his land, and to maintain himself until the soil renders its first return—If frugal and industrious, and seconded by what Americans might call an "available" family, he may venture to start upon two hundred pounds, but double that amount would not be too much for preparatory outlay and incidental wants. A great saving is effected, and an inspirating impulse communicated to the Settler's endeavours, in consequence of the abundance of open land, fit for tillage, and the free range for stock, which may be enjoyed for years. The expense of clearing the forest is a burden from which the Texas husbandman escapes. By the richness of the thickly-timbered river "bottoms" the *planter* is attracted, and there he lays out this fields for the growth of sugar, and cotton.

Farmers possessing the necessary capital, intelligence and energy are the only *class* to which Texas, as She is, offers the prospect of advantageous settlement. A small annual supply of Mechanics will, for some time, be sufficient for the demand;—the same may be said of Agricultural labourers, unless they [are] attached to farming capitalists. The towns will absorb a limited number of useful domestic servants, at good wages. A mere subsistence can easily be obtained by any person capable of manual labour, and not wholly indisposed to exertion.

In addition to all other considerations, the individual who proposes to emigrate ought not only to examine whether the Country to which he thinks of removing is fitted for him, but whether he is fitted for the Country, and for the condition of a Colonist.—If he is unable to endure what, in older communities, would be deemed privations—if he be wanting in Moral courage—if he

cannot look hopefully to the future, under temporary discouragement--he ought not to enter upon the life of a Settler in the wilderness, however fair and fruitful that wilderness may be.

The sufferings to which emigrants from Continental Europe have been needlessly subjected induces me to observe that it would be a worthy and becoming service if their respective Governments would supply their emigrating people with means of precise and accurate information, protect them from fraudulent speculators, and keep them paternally in view until they had made a lodgment on their adopted soil. Blighted expectation, sickness and bereavement by death are heavy and hard to bear among the friends and associations of home, but their pressure is increased a thousand fold when they are sustained among the unfamiliar faces and unwonted scenes of an alien land.

William Kennedy.

The Earl of Aberdeen, K. T.

KENNEDY TO ABERDEEN[6]

Private.

Her Majesty's Consulate
Galveston, September 9th 1844.

My Lord,

I had the honor to address a letter marked "Private" to Your Lordship on the 24th Ultimo, conveying intelligence of the death of General Howard, the United States' Chargé d'Affaires in Texas. —This letter I despatched by a small Coasting-vessel, and am obliged to send the present by a conveyance to New Orleans.

I beg leave to enclose, as published in the Government Journal at Washington,[7] a copy of a Manifesto transmitted by the Mexican General Woll, to President Houston, with a Copy of the President's Reply.

President Houston left the Seat of Government for Eastern Texas, on the 7th Ultimo, and was expected by the 17th to reach Sabine, which is distant some thirty or forty Miles from the encampment of the United States' troops at Fort Jessup.

Public attention is fixed upon the Presidential election, which commenced and terminated on the 2nd Instant. It would appear, by the returns received up to the present date, that the

[6]F. O., Texas, Vol. 10.
[7]*The National Vindicator* (date missing).

election has gone in favour of Mr Anson Jones, the present Secretary of State.

The Court Martial appointed to try Commodore Moore closed on the 23rd Ultimo, but its decision has not yet been made public.

Persons in the employment of the Texan Government, and generally acquainted with its proceedings allege that the United States will continue to protect Texas from Mexican invasion until the 4th of next March, when President Tyler's present tenure of Office will expire. There is but a trifling difference between this alleged term of protection and that I mentioned to Your Lordship, in my "Private" letter of August 14th.

According to the last accounts from the South Western frontier, there is no indication either of inroad, or invasion, on the side of Mexico. The Texan Government seems to be quite confident in its means of repulsion, should it be necessary to call them forth.

I had a letter lately from the Attorney General of this Republic, who, under the impression that the state of my health might call me to England this Autumn, expressed a desire to travel with me, having obtained the President's sanction for his proposed absence. He assigns the following, among other reasons, for wishing to accompany me in the event of my returning home.

"You are well aware of the fact that I have, from the beginning, been most decidedly opposed to the Annexation of Texas to the United States. It is my first object to defeat, if possible, the consummation of this most obnoxious Measure, so decidedly hostile, as I conceive it to be, and fraught with such evil consequences to the ultimate prosperity and high destiny of this Country. From Your official connexion with the Ministry, you can render me important assistance in this Matter, and if I am successful in the accomplishment of this great result, I shall deem it the proudest period of my life"

I have always found Mr Terrell (the Attorney General) consistent in regard to Annexation. In my reply to him, I stated that I did not intend leaving Texas during the present year, but that he might command my services for the exposition of his views.

His health, which is much impaired, is the immediate plea for travel.—He enjoins me to be silent as to his communication, in

this question—saying—"I do not wish any person beyond the Cabinet to know any thing of my going, and more especially of my business."—He was to be ready for his departure "any time after the 20th of September" (the present Month).—I have heard nothing farther since the transmission of my reply.

William Kennedy.

The Earl of Aberdeen, K. T.

BOOK REVIEWS AND NOTICES

America in Ferment. By Paul Leland Haworth. (Indianapolis: The Bobbs-Merrill Company, 1915. Pp. 477. $1.50.)

Mr. Haworth has undertaken the difficult task of bringing together in a single volume a brief but comprehensive exposition of the chief social, industrial and political problems which have been at the bottom of the unrest in the United States for the past decade. His sixteen chapters deal with such subjects as conservation, the race problem, immigration, the multitude of questions growing out of our industrial organization—industrial warfare, workingmen's compensation, women and child labor, etc.—big business and its control, the standard of living and the high cost of it, "our defective citizenship," constitutional reform, the woman's revolt, political party tendencies, and socialism.

After a slight awkwardness in the introductory chapter, the author settles down to a smooth, easy and journalistic style that carries the reader forward without effort. The book is not only interesting, but its engaging frankness and honesty will commend it to persons of all shades of opinion in spite of the fact that Mr. Haworth makes no attempt to conceal his sympathy with the reform and forward-looking element in both politics and social controversies, which is especially apparent in his discussion of political parties and their platforms.

On the whole, the book will be very useful to those readers who wish to get in compact and readable form a clear statement of the social and industrial problems that beset the intelligent portion of our citizenship.

CHAS. W. RAMSDELL.

Studies in Southern History and Politics. Inscribed to William Archibald Dunning, Ph. D., LL. D. By his former pupils the authors [J. W. Garner, editor]. (New York: Columbia University Press, 1914. Pp. 394. $2.50.)

I have seen no book on American History that has interested me more than this one, a book of fifteen essays by fifteen well-trained minds. These are:

Deportation and Colonization: An attempted Solution of the

Race Problem, by Water L. Fleming, Professor of History in the Louisiana State University. The Literary Movement for Secession, by Ulrich B. Phillips, Professor of American History in the University of Michigan; The Frontier and Secession, by Charles William Ramsdell, Adjunct Professor of American History in the University of Texas; The French Consuls in the Confederate States, by Milledge L. Bonham, Jr., Associate Professor of History and Political Science in the Louisiana State University; The Judicial Interpretation of the Confederate Constitution, by Sidney D. Brummer, Ph. D.; Southern Legislation in Respect to Freedmen, 1865-1866, by J. G. de Roulhac Hamilton, Alumni Professor of History in the University of North Carolina; Carpet-Baggers in the United States Senate, by C. Mildred Thompson, Instructor in History, Vassar College; Grant's Southern Policy, by Edwin C. Woolley, Assistant Professor in the University of Wisconsin; The Federal Enforcements Acts, by William Watson Davis, Assistant Professor of American History in the University of Kansas; Negro Suffrage in the South, by W. Roy Smith, Professor of History in Bryn Mawr College; Some Phases of Educational History in the South since 1865, by William K. Boyd, Professor of History in Trinity College, North Carolina; The New South, Economic and Social, by Holland Thompson, Assistant Professor of History in the College of the City of New York; The Political Philosophy of John C. Calhoun, by Charles Edward Merriam, Professor of Political Science in the University of Chicago; Southern Political Theories, by David Y. Thomas, Professor of History and Political Science in the University of Arkansas; The Southern Politics since the Civil War, by James W. Garner, Professor of Political Science in the University of Illinois.

Since the questions of slavery, secession and reconstruction so vitally concerned the North as well as the South, these essays may be regarded as indispensable in the study of American History and Politics.

That the trend of development of political institutions is determined by economic interests is a truism in political science. In these essays, due emphasis is given to the economic forces directing the political development in the South. Actual participants in the Civil War are not always unbiased, but these authors

are too young to have participated, and at the same time they are mature in judgment and of excellent scholarship. They received their University training under Doctor William Archibald Dunning, Lieber Professor in Columbia University. "For more than twenty-five years he has been a distinguished member of a distinguished faculty, and during this period hundreds of toilers for the doctorate have sat at his feet and received inspiration and wisdom from his teaching."

No teacher of American History, in College or the High School, should fail to read this book. It would be an excellent volume of "Readings" in the American History courses in colleges and high schools. S. H. MOORE.

The History and Geography of Texas as Told in County Names. By Z. T. Fulmore. Austin, Texas: (Press of E. L. Steck. 1915. Pp. ix+312. 8vo. cl. maps, ills. $2.50.)

The origin of county names has been a favorite topic of local Texas history. Thrall's *Pictorial History of Texas* (641-721) devotes Part IX to "The Counties of Texas: Their history, topography," etc. The origin of county names receives some attention. Brown's *History of Texas* (II, 540-548) contains a "List of all the counties in Texas; when created and for whom or what named." *A Comprehensive History of Texas* (II, 796-800) furnishes a table "Showing the counties of the State, for whom named, from what taken, when created, when organized, area in square miles, county seats, and population in 1880 and 1890, respectively." To the foregoing is now added the volume by Judge Fulmore.

The book is the result of untiring efforts extending over several years in examining books and records, and, where records failed, in searching out persons who could give information. That the sketches vary greatly in length and quality is inevitable. Concerning a number of names no data was discovered; the longest sketch covers six and a half pages and is devoted to Stephen F. Austin. Interesting facts are brought to light in such articles as Angelina, Chambers, Nolan and Travis. Some of the short and defective ones are, nevertheless, the best in print. Errors occurring in the earlier lists enumerated at the beginning of this review has been corrected. Only counties existing at the present

time receive attention. The names of counties that have been changed or discontinued are not mentioned.

The title of the book appears to the writer to be too long, particularly since the essential part of it comes at the end. In the preface the author is careful to state that the work "is not . . . a history of the different counties of the State, nor . . . a history of the State, except in so far as that is involved in the county names." "It is . . . a series of sketches which outline the origin and history of the county names of Texas." There is more biography than history or geography in most of the sketches.

The attempt to group the county names into chapters will probably prove irritating and unsatisfactory to most readers. The chapter headings are as follows: I. The Spanish period of Texas history (20 county names are grouped under this heading); II. The Anglo-American colonization of Texas (10); III. The Americanization of the map of Texas (13); IV. The pioneers of Texas (32); V. Political Organization of Texas and events leading to the Revolution (20); VI. The Texas Revolution (40); VII. The Republic of the Rio Grande (2); VIII. The Texas Navy (1); IX. Early statesmen of Texas (17); X. Early jurists of Texas (17); XI. Colonization under the Republic (1); XII. The Americanization of Texas and the Mexican War (11); XIII. ——— (1); XVI. Statesmen, jurists, journalists, historians, ministers and others who are commemorated on our county map (16); XV. The War between the Northern and Southern Sections of the Union (18); XVI. The Indians of Texas (5); XVII. Physiographic names (28). Most of the chapters set out with a few introductory paragraphs; the county names in each group are arranged alphabetically. The book would gain in interest if these general paragraphs had all been collected in the introduction, and if the county names had been arranged alphabetically in one group. Garza and Nolan counties were created in 1876. Why include them in Chapter I? Why include in Chapter I Angelina, Aransas, Bandera, etc., and exclude Atascosa, Blanco, Bosque, etc.? Why include Chambers in Chapter III? Chapter III includes counties that were created in 1836 to 1860. Young county was created in 1856 and Stephens in 1858; why include them in Chapter XV?

The date when each county was created is shown in the Appendix. This date frequently throws an important sidelight upon the naming of it. The Constitution of 1836 recognized twenty-three counties. Only thirteen were added to this number during the period of the Republic. For political reasons the West successfully opposed the creation of a great number. The Constitution of 1845 removed the grounds for the opposition of the West, and as a consequence thirty-two counties were created in 1846. By 1859 the number of counties had been increased to more than one hundred and fifty. The Legislature in 1876 created fifty-four counties. This rapid increase in the number of counties within the brief period of forty years has had a decisive influence in the choosing of names.

The book has no table of contents; it has no list of maps and illustrations. The illustrations are numerous, but they vary greatly in the degree of perfection with which they are reproduced.

E. W. WINKLER.

In the September issue of *The Mississippi Valley Historical Review* Professor Bolton restates in an expanded and adequately documented form his article on "The Location of La Salle's Colony on the Gulf of Mexico," originally published in the *Austin American*, July 19, 1914, and noted in THE QUARTERLY, XVIII, 224. Other articles in this number of the *Review* which will interest readers in the Southwest are William S. Robertson's "The First Legations of the United States in Latin America," and Susan M. Reed's "British Cartography of the Mississippi Valley in the Eighteenth Century."

NEWS NOTES

Major W. M. Walton died at Austin, Texas, July 1, 1915, at the age of eighty-three. He was born at Canton, Mississippi, January 17, 1832, and moved to Austin in February, 1853. He was elected Attorney General of Texas in 1866, but was removed by military authority the next year. A brief sketch of his life appears in the *Austin Statesman*, July 1, 1915.

Captain John W. Darlington died at Austin September 12, 1915. He came to Texas from Virginia in 1838, and participated in many of the stirring scenes of the Republic. He was a member of the Texas Veterans' Association.

Mr. E. W. Winkler, late State Librarian of Texas, has been appointed Reference Librarian at the University of Texas.

THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION

The management wishes to announce that the back volumes of THE QUARTERLY can be purchased and that a complete set is now available. The first four volumes have been reprinted, and will be sold at the following prices, on the installment plan, or for cash on delivery:

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ADDRESS

THE TEXAS STATE HISTORICAL ASSOCIATION,

AUSTIN, TEXAS.